



Office of the City Manager

CONSENT CALENDAR
September 14, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of July 1, 2021 (closed), July 13, 2021 (closed and regular), July 14, 2021 (closed), July 20, 2021 (special-4pm and special-6pm), July 27, 2021 (closed, special and regular) and July 29, 2021 (special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 1, 2021 – Closed City Council Meeting
2. July 13, 2021 – Closed City Council Meeting
3. July 13, 2021 – Regular City Council Meeting
4. July 14, 2021 – Closed City Council Meeting
5. July 20, 2021 - Special City Council Meeting at 4pm
6. July 20, 2021 - Special City Council Meeting at 6pm
7. July 27, 2021 – Closed City Council Meeting
8. July 27, 2021 – Special City Council Meeting
9. July 27, 2021 – Regular City Council Meeting
10. July 29, 2021 – Special City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JULY 1, 2021

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87579140416>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 875 7914 0416. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

Preliminary Matters

Roll Call: 3:01 p.m.

Present: Kesarwani, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Taplin, Bartlett, Droste

Public Comment – 1 speaker.

Councilmember Taplin present at 3:05 p.m.

Councilmember Bartlett present at 3:35 p.m.

Councilmember Droste present at 3:39 p.m.

CLOSED SESSION:

The City Council convened in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Abe Roman, Interim Fire Chief.

Employee Organizations: SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Public Employees Union Local 1.

Action: No reportable action.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 4:37 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on July 1, 2021.

April Richardson, Assistant City Clerk

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

TUESDAY, JULY 13, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 860 7639 3598. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:03 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 4:21 p.m.

Public Comment - Limited to items on this agenda only – 20 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):

- a. City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058
- b. Save Berkeley's Neighborhoods, et al. v. The Regents of the University of California, et al., Alameda Superior Court, Case No. RG19006256

Action: No reportable action taken

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(c) and 54956 (d)(4):

Initiation of litigation – one case

The City Council will consider whether to initiate a lawsuit against the Regents of the University of California related to the Long Range Development Plan for the Berkeley Campus and related actions.

Action: No reportable action taken.

OPEN SESSION:

No reportable action.

Adjournment

Action: M/S/C (Harrison/Robinson) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent 7:22 p.m. – 7:24 p.m.

Adjourned at 7:24 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 13, 2021.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 13, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
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Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 7:42 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Recognition of Cal Move Out Day Coalition
2. Recognition of Plastic Free July
3. Adjourned in Memory of Chuck Feezel, Berkeley Resident

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 7 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

1. **FY 2022 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,772-N.S. setting the FY 2022 tax rate for funding the provision of emergency services for the disabled at \$0.01796 (1.796 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,772-N.S.

2. **FY 2022 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance 7,779-N.S. adopting the FY 2022 Annual Appropriations Ordinance (AAO) in the amount of \$673,601,287 (gross appropriations) and \$552,265,708 (net appropriations).
First Reading Vote: All Ayes.
Financial Implications: See report
 Contact: Rama Murty, Budget Office, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,779-N.S.

Consent Calendar

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 13, 2021

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$663,976

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

4. Contract: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project at the Berkeley Marina

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the O&K Docks Electrical Upgrade Project (Bid Specification No. 21-11449-C); and 2. Rejecting the bid protest of Edward W. Scott Electric Co. Inc., the second-lowest bidder; and 3. Accepting the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder on the Project; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction, Inc., for the O&K Docks Electrical Upgrade Project, in an amount not to exceed \$1,200,000, which includes a contract amount of \$1,117,980 and a 7.3% contingency in the amount of \$82,020.

Financial Implications: Various Funds - \$1,200,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 69,951–N.S.

5. Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$60,000 for an amended total amount not to exceed \$2,154,056.

Financial Implications: Parks Tax Fund - \$60,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 69,952–N.S.

Consent Calendar

6. Authorize the City Manager to Accept REAP and PDA Planning Grant Applications

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept three planning grant awards and to execute documents or amendments associated with each grant. The three applications awarded are: A competitive Regional Early Action Planning (REAP) grant in the amount of \$75,000; a non-competitive REAP grant in the amount of \$83,506; and a Priority Development Area (PDA) Planning Grant for the San Pablo Avenue PDA in the amount of \$750,000.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: Adopted Resolution No. 69,953–N.S.

7. Accept Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Berkeley

From: City Manager

Recommendation: Adopt a Resolution to authorize the City Manager, or designee, to accept the “Cannabis Tax Fund Grant Program (CTFGP)” and enter into the resultant grant agreement and any amendments to fund impaired driving detection/investigation training for officers, community educational programs and supplemental impaired driving enforcement. The tentative grant allocation is \$135,462 for the period of July 1, 2021 through June 30, 2022.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

Action: Adopted Resolution No. 69,954–N.S.

8. Approval and Levy of 2018 Clean Stormwater Fee in FY 2022

From: City Manager

Recommendation: Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2022.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,955–N.S.

Consent Calendar

9. **Contract: Rainbow Waterproofing & Restoration Co., Inc. for the Central Library Stucco Restoration Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Central Library Stucco Restoration Project, Specification No.20-11405-C; 2. Accepting the bid of Rainbow Waterproofing & Restoration Co., Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$702,384, which includes a contingency of \$117,064.
Financial Implications: Library Tax Fund - \$702,384
Contact: Liam Garland, Public Works, (510) 981-6300, Tess Mayer, Library, (510) 981-6100
Action: Adopted Resolution No. 69,956–N.S.
10. **Contract No. 32000092 Amendment: New Image Landscape Company for On-Call Landscaping Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract 32000092 with New Image Landscape Company to increase the spending authority by \$150,000 for a total not to exceed \$200,000 and to extend the contract term an additional two year to November 30, 2023 for on-call landscaping services.
Financial Implications: Various Funds - \$150,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,957–N.S.

Council Consent Items

11. **Resolution in Support of Ending Qualified Immunity Act**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in Support of the Ending Qualified Immunity Act by Rep. Ayanna Pressley (D-Mass.) and Sen. Ed Markey (D-Mass) and send copy of resolution to the office of Rep. Barbara Lee (CA-13).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmembers Wengraf and Harrison added as co-sponsors. Adopted Resolution No. 69,958–N.S.

Action Calendar – New Business

12. Endorse All Home CA Regional Action Plan on Homelessness
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation:

1. Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness.
2. Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024.
3. Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley’s current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: 8 speakers. Councilmember Bartlett added as a co-sponsor. M/S/C (Arreguin/Wengraf) to adopt recommendations #2 and #3.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 10:00 p.m. – 10:12 p.m.

Recess 10:02 p.m. – 10:12 p.m.

13. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion:

1. Adopt first reading of an Ordinance rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to Commercial – Adeline Corridor District (C-AC), and
2. Adopt a Resolution changing the General Plan designation of the five parcels to Adeline Corridor Mixed Use and to revise the boundaries of the Adeline Corridor Specific Plan Area to include the five parcels.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 3 speakers.

M/S/C (Arreguin/Taplin) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Arreguin/Hahn) to:

1. Adopt first reading of Ordinance No. 7,780-N.S. Second reading scheduled for Tuesday, July 13, 2021.
2. Adopted Resolution No. 69,959–N.S.

Mayor Arreguin, Councilmembers Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin, Bartlett

Action Calendar – Public Hearings

- 14. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Public hearing continued to September 28, 2021.
- 15. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Continued from the June 1, 2021 meeting) (Item contains Supplemental Material)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation:
1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.
2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.
Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Item 15 referred to the Agenda & Rules Committee for future scheduling with the Five-Year Paving Plan.

Action Calendar

16. General Plan and Housing Element Annual Progress Report (APR)

From: City Manager

Recommendation: Review and accept the 2020 General Plan Annual Progress Report (APR) and 2020 Housing Element APR, which were submitted to the State of California's Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) on April 1, 2021.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action: 3 speakers. Presentation made and discussion held. M/S/C (Arreguin/Harrison) to review and accept the 2020 General Plan Annual Progress Report (APR) and 2020 Housing Element APR.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

17. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street

From: Councilmember Taplin (Author)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Moved to consent Calendar. Adopted first reading of Ordinance No. 7,781-N.S as revised in Supplemental Communications Packet #1. Second reading scheduled for July 27, 2021.

18. Police Accountability Board – Appointment of Members (Continued from June 29, 2021)

From: City Manager

Recommendation: Adopt a Resolution appointing nine members to the Police Accountability Board nominated by the Mayor and City Councilmembers, and appointing one alternate member. *(Note: Appointment of the alternate member is continued from the June 1, 2021 meeting.)*

Financial Implications: See report

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: Moved to Consent Calendar to adopt Resolution No. 69,960-N.S. to appoint Elisa Batista as the alternate member on the Police Accountability Board.

Action Calendar – Public Hearings

Information Reports

19. **Animal Care Commission 2021/2022 Work Plan**
From: City Manager
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Received and filed.
20. **Commission on Disability Fiscal Year 2021-2022 Work Plan**
From: Commission on Disability
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300
Action: Received and filed.
21. **Fiscal Year 2022 Sugar-Sweetened Beverage Product Panel of Experts Commission Work Plan**
From: Sugar Sweetened Beverage Product Panel of Experts
Contact: Dechen Tsering, Commission Secretary, (510) 981-5300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Droste.

Councilmember Droste absent 11:10 p.m. – 11:12 p.m.

Adjourned at 11:12 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on July 13, 2021.

Mark Numainville
City Clerk

Communications

TOD (Transit-Orientated Development)

1. Vicki Sommer (3)
2. Toni Casal
3. David Brandon
4. taptango@ (2)

5. Michai Freeman
6. Eileen Hughes

TOPA (Tenants Opportunity to Purchase Act)

7. Andrea Altschuler
8. William Goodwin
9. Chimey Lee
10. River Bradley
11. Katharine Bierce
12. Larisa Cummings
13. Steven Tupper
14. Jeannie Llewellyn

Homelessness – Encampments - Outreach

15. Eric Friedman
16. Homeless Action Coalition
17. David Lerman
18. Geoff Lomax
19. Wende Micco

Support Housing as a Human Right

20. Sam Warren
21. Julia Cato

Berkeley Marina - Pier

22. Nicholas Waton, on behalf of the Cal Sailing Club
23. Todd Jersey

Street Intersection of Dwight Way and California Street

24. Joann Brumfield

Step-Up Housing on University Avenue

25. Patrick Kennedy

Police Accountability Board & Police Related

26. Racial and Criminal Justice Reform Group
27. Eric Friedman

Rent Board

28. Jerry Berkman
29. Barbara Gilbert

Berkeley Asphalt

30. Christopher Kroll

Re-Opening Berkeley

31. Mark Chekal

Commission Reorganization

32. Councilmember Harrison

SB 9 – Housing Development

33. Mary Rose

34. Christopher Kroll

35. Joel Millar

Skate Park

36. Tine Munson, Sean O’Loughlin, Mara Mahmood, Lorenzo Lewis and Dandy Harris

37. Tony Benado, City Clerk’s Office

SCA 5 – Voting Rights of Student Members of the University of California

38. Emily Pekar

Everyday is Black Event

39. Eileen Joyce

Backpack Donation for BUSD Students

40. Nabatah Ahmed, on behalf of the Office of Family Engagement and Equity

Measure P – Transfer Tax

41. Barbara Gilbert

Star Alliance

42. Peter DuMont (2)

Juneteenth Closures in Berkeley

43. Sabina McMurty

FAA Proposal Reroute Commercial Air Traffic Reply

44. Raquel Girvin, Regional Administrator for the FAA

Heroine Needle Van at Hearst and San Pablo

45. Erin Mahoney

EBCE (East Bay Community Energy) Renewable

46. Jane Stromberg

Fix Your Walkways and Roads

47. Dave Mandel

City of Mountain View’s Plant-Based Eating Series

48. Nilang Gor

UC Berkeley's 2036-2037 Proposed Long Range Development Plan

49. Law Offices of Veneruso & Moncharsh

50. Harald Leventhal

1921 Walnut Street Tenants

51. Natalie Logusch (2)

Mental Health and Addiction Resources

52. Linda Press Wulf

Public Safety in Parks and Schools

53. Joanna Petrone

Volunteering at Grayson

54. Eric Friedman

URL's Only

55. Russbumper (8)

Supplemental Communications and Reports 1

Item #2: DY 2022 Annual Appropriations Ordinance

56. Peter Kuhn

Item #14: Response to Short Erm Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

57. Kathleen Lopes

58. Lisa and Tim Goodman

59. Jonathan Bailey

60. George Buffington

61. Debra Sanderson & Kathy Crandall, Co-chairs, ADU Task Force

62. Jane Lenoir

63. Stan Momtchev

64. Loni Gray

Item #17: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street and Seventh Street

65. Revised material, submitted by Councilmember Taplin

Supplemental Communications and Reports 2

Item #14: Response to Short Erm Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

66. Sara Hartley

67. George Porter

68. TM Scruggs

69. Susan Chainey

70. Susan Nunes Fadley
71. Peter Christy
72. Susan Morris
73. Genevieve Hoffman
74. Cynthia Larson
75. Jerry Skrainar
76. Beth Feingold
77. Enid Camps and Alan Miller
78. Debra Sanderson (2)
79. Jo Ann Driscoll
80. Phyllis Olin
81. Eric Arens
82. Tim Ryan
83. Bill and Judy Hein
84. Lois Brubeck
85. David Thill
86. Mike Trott
87. John McCarthy
88. Jan Knecht
89. Paku Khan
90. Megan Hall
91. D. Resek
92. Penny Barron
93. Ednah Beth Friedman
94. Paul Teicholz
95. Brian Gilbane
96. Robert Hester
97. Karen Lou
98. Jeff Robinson
99. Mark and Linda Fong
100. Reva and Elsa Tranter
101. John Arthur
102. Larry Hyman
103. Jeanette and Jim Cottle
104. Cat Zavis
105. George Porter
106. Fredica Drotos
107. Steven Segal
108. Theo Posselt
109. Jean Holmes
110. Joan Killeen
111. John Gilbert
112. John Damonte
113. John and Nancy Lawrence
114. Sue von Baeyer
115. John Bischoff

116. Nancy Rader
117. Barryett Enge
118. Ryan O'Connell
119. Steven Chainey
120. Katie Johnson
121. Stasha Vlasuk
122. Leah Isaacson
123. Michael McGowan
124. Carol Wolf
125. Robert Breuer
126. 103 similarly-worded letters (Postpone this item until the Fall)

Supplemental Communications and Reports 3

Item #11: Resolution in Support of Ending Qualified Immunity Act

127. Latinos Unidos de Berkeley

Item #12: Endorse All Home CA Regional Action Plan on Homelessness

128. Presentation, submitted by Mayor Arreguin

Item #13: Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue

129. Presentation, submitted by Planning

Item #14: Response to Short Erm Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

130. Deborah Binder
131. Michael Frantz
132. John Benson
133. Nancy Gillette
134. Bryce Nesbitt
135. Evan Kenward
136. Irpope@
137. Susan Chainey
138. David Johnson
139. Oren Leiman
140. Dalia Nagel
141. Cindy Rosenthal
142. Michael Gardner
143. Mary Ann Wenger
144. Gary Croner
145. Sue Martin
146. Deb Trillia
147. Todd Darling
148. Ellen Pasternack

- 149. Dylan Casey, on behalf of California Renters Legal Advocacy and Education Fund
- 150. Milton McClaskey
- 151. Chimey Lee (3)
- 152. George Porter
- 153. Bill Pottinger
- 154. Kathleen McGuire
- 155. Helen Finkelstein
- 156. Meghan O'Connell
- 157. James Mattson
- 158. 36 similarly-worded letters (Postpone this item until the Fall)

Item #16: General Plan and Housing Element Annual Progress Report (APR)

- 159. Presentation, submitted by Planning

Item #18: Police Accountability Board – Appointment of Members

- 160. Elisa Batista
- 161. Elliot Halpern, et al

Miscellaneous

- 162. Thomas Lord

**SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
MINUTES**

WEDNESDAY, JULY 14, 2021

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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Preliminary Matters

Roll Call: 3:03 p.m.

Present: Kesarwani, Hahn, Robinson, Droste, Arreguin

Absent: Taplin, Bartlett, Harrison, Wengraf

Public Comment - 60 speakers.

Councilmember Bartlett present at 3:08 p.m.

Council member Taplin present at 3:10 p.m.

Councilmember Harrison present at 3:20 p.m.

Councilmember Wengraf present at 6:23 p.m.

CLOSED SESSION:

The City Council convened in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

- a. WCAB Case Numbers: #ADJ1556675 and ADJ10831595

Action: M/S/C(Arreguin/Robinson) to approve a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matters, WCAB Case #ADJ11556675 and ADJ10831595.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1, Unrepresented Employees.

Action: No reportable action.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

City Council met in closed session on July 14, 2021 Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matters, WCAB Case #ADJ11556675 and ADJ10831595.

Adjournment

Action: M/S/C (Arreguin/Harrison) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:45 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on July 14, 2021.

April Richardson, Assistant City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, July 20, 2021
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 4:02 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin.

Absent: Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:03 p.m.

Councilmember Bartlett present at 4:03 p.m.

Councilmember Kesarwani present at 4:05 p.m.

Consent Calendar

Public Comment on Consent Calendar Item Only: 1 speaker.

Action: M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

- 1. Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245**
From: City Manager
Recommendation: Adopt two Resolutions:

 1. Revising Resolution No. 69,927-N.S that adopted successor two-year Memorandum Agreement with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of June 28, 2020 through June 30, 2022, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and
 2. Approving a new salary resolution for Representation Unit C that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 68,671-N.S.

Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,961–N.S. (Agreement) and Resolution No. 69,962–N.S. (Salary)

Consent Calendar

- 2. Memorandum Agreement: Service Employees International Union Local 1021 Maintenance and Clerical Chapters**
From: City Manager
Recommendation: Adopt two Resolutions:

 1. Approving a new three-year Memorandum Agreement with the Service Employees International Union Local 1021 Maintenance and Clerical Chapters with a term of June 27, 2021 through June 26, 2024, and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new labor agreement; and
 2. Approving a new salary resolution for Representation Units D, J, K-1, and K-2 that implement the new salary levels negotiated in the Memorandum Agreement and rescinding Resolution No. 68,533-N.S.

Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,963–N.S. (Agreement) and Resolution No. 69,964–N.S. (Salary)

- 3. Memorandum of Understanding: Berkeley Police Association**
From: City Manager
Recommendation: Adopt two Resolutions:

 1. Approving a new two-year Memorandum of Understanding (MOU) with the Berkeley Police Association which includes cost of living adjustments and market adjustments to two classifications with a term of July 1, 2021 through June 30, 2023 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and
 2. Approving a new Classification and Salary resolution for Representation Units E and F that implement the salary adjustments reflected in the new MOU and rescinding Resolution No. 68,583,-N.S.

Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,965–N.S. (MOU) and Resolution No. 69,966–N.S. (Salary)

Consent Calendar

4. **Unrepresented Employees: Salary Adjustments and Update to Unrepresented Employee Manual**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving salary increases for the Unrepresented Employees in Units X-1; X-2; Z-1; Z-2; Z-3; Z-6; and Z-9, for the period July 20, 2021 through June 30, 2024 and rescinding Resolution No. 68,534-N.S. Classification and Salary Resolution; and
2. Adopting as amended the Unrepresented Employee Manual to attach a three (3) year Agreement with terms and conditions with the Unrepresented Employees group with a term of July 20, 2021 to June 30, 2024 that includes a new Payroll Specialty Pay, Salary, Longevity Pay, Recognized Holidays, Employee Contribution Toward Pension, and revisions to Cash-In-Lieu Payments and Public Safety Uniform Allowance for compliance, and rescinding Resolution No. 69,538-N.S.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,967–N.S. (Salary) and Resolution No. 69,968–N.S. (Manual)

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 4:10 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on July 20, 2021.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Adjournment

Item #2: Memorandum Agreement: Service Employees International Union Local 1021 Maintenance and Clerical Chapters

1. Barbara Gilbert

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, July 20, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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Preliminary Matters

Roll Call: 6:04 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 6:09 p.m.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Mayor Arreguín and Councilmember Taplin on Item 2; and to accept supplemental material from Councilmember Taplin on Item 2.

Vote: All Ayes.

Public Comment on Consent Calendar Item Only: 0 speakers.

Action: M/S/C (Droste/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

1. **Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021 and May 25, 2021.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

Action: Adopted Resolution No. 69,969–N.S.

Worksession

2. **Bayer HealthCare LLC Development Agreement Amendment**

From: City Manager

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: 20 speakers. Presentation made and discussion held. Supplemental material provided by Councilmember Taplin and Mayor Arreguin.

Recess 8:28 p.m. – 8:38 p.m.

3. Measure FF and Fire Prevention

From: City Manager

Contact: Abe Roman, Fire, (510) 981-3473

Action: 2 speakers. Presentation made and discussion held.

Adjournment

Action: M/S/C (Hahn/Bartlett) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson; Noes – None; Abstain – None; Absent – Harrison, Droste, Arreguin.

Adjourned at 10:04 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on July 20, 2021.

Mark Numainville
City Clerk

Communications

Item #2. Bayer HealthCare LLC Development Agreement Amendment

1. Dana Perls, on behalf of the Friends of the Earth U.S.

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Bayer HealthCare LLC Development Agreement Amendment

2. Supplemental material, submitted by Councilmember Taplin
3. Ali Kashani, on behalf of MPI Homes
4. Maryann O'Sullivan

Supplemental Communications and Reports 3

Item #2: Bayer HealthCare LLC Development Agreement Amendment

5. Supplemental material, submitted by Councilmember Taplin
6. Supplemental material, submitted by Mayor Arreguin
7. Presentation, submitted by Bayer
8. Presentation, submitted by Planning
9. Ana Vasudeo
10. Deborah Bookstein

Item #3: Measure FF and Fire Prevention

11. Presentation, submitted by Fire

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JULY 27, 2021

2:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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Preliminary Matters

Roll Call: 2:02 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Bartlett, Droste

Councilmember Bartlett present at 2:08 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1, Unrepresented Employees.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to adjourn the meeting.

Vote: Ayes - Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Droste.

Councilmember Kesarwani absent at 2:38 p.m.

Adjourned at 2:42 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 27, 2021.

Mark Numainville
City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, July 27, 2021
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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Preliminary Matters

Roll Call: 4:03 p.m.

Present: Kesarwani, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Taplin, Bartlett, Droste

Councilmember Bartlett present at 4:06 p.m.

Councilmember Taplin present at 4:15 p.m.

Action Calendar – Public Hearings

1. ZAB Appeal: 770 Page Street, Use Permit #ZP2020-0051

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2020-0051 to demolish an existing single-family dwelling unit and construct four detached, three-story, approximately 1,500-square-foot dwelling units on a 5,532-square-foot lot in the Mixed Use-Residential Zoning District (MU-R), and dismiss the appeal.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 3 speakers.

M/S/C (Arreguin/Kesarwani) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 69,970–N.S.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Hahn; Absent – Droste.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Adjourned at 4:52 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on July 27, 2021.

Mark Numainville
City Clerk

Communications

Item #1: ZAB Appeal: 770 Page Street, Use Permit #ZP2020-0051

1. Matthew Wadlund, on behalf of Wadlund+ Design Studio
2. Jessica Taylor, on behalf of Greenfire Law

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 770 Page Street, Use Permit #ZP2020-0051

3. Barbara Gilbert

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 27, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81818068814>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **818 1806 8814**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:03 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Kesarwani, Droste

Councilmember Kesarwani present at 6:07 p.m.

Reports from Closed Session

1. The City Council met in closed session on July 13, 2021 pursuant to Government Code Sections 54956.9(a), 54956.9(d)(1), 54956.9(c) and 54956(d)(4) and took the following action:

The City Council authorizes the Mayor and City Manager to execute the final UC Berkeley-City of Berkeley Settlement Agreement based on the draft language presented in closed session, and modifications incorporated by Council, after the UC Board of Regents has approved the final 2021 Long Range Development Plan (LRDP) and provided that the final, approved 2021 LRDP does not differ substantially from the draft 2021 LRDP published by the University in April 2021. The Council also authorizes the City Attorney to make non-substantive changes to the document prior to.

The University of California Board of Regents approved the proposed settlement agreement on July 22, 2021. Today, July 27th, the final agreement was executed by the Mayor, City Manager, and UC officials. As both parties have now given final approval to the agreement, it is now a reportable action under Government Code Section 54957.1, the Ralph M. Brown Act.

The key terms of the final settlement agreement are as follows, and a copy of the agreement can be provided to any member of the public who requests it and will be posted on the City's website.

KEY TERMS:

Section 3 - FINANCIAL CONSIDERATION: ANNUAL PAYMENT

- The University will make an Annual Payment to the City in the amount of \$4.1 Million a year for city services and campus area projects. The amount of the Annual Payment will increase by 3% compounding each year for the term of the agreement until 2036.
- The Annual Payment shall not eliminate or otherwise supersede ongoing fees for services paid to the City by the University as of June 1, 2021, which may be increased under Section 5.1 of the Agreement. The Annual Payment supersedes and replaces the contributions specified in the 2005 Settlement Agreement annual allocation.

- The City will allocate the Annual Payment as follows, unless otherwise agreed to by the parties during the term of the agreement:
 - \$2.8 million (increased by three percent per year) for fire and other City services;
 - \$1.3 million (increased by three percent per year) for capital projects and other services benefiting residents living within one-half mile of the University's main campus boundaries and the Clark Kerr Campus, including but not limited to a joint BPD-UCPD Telegraph Area Beat (a community-based policing program). Priorities for these projects shall be determined by City and University leaders as specified in Section 3.7 of the agreement.

- For the 2021 Annual Payment, the City will allocate funds as follows:
 - \$920,000 shall be allocated by the City to the City's Housing Trust Fund, in recognition of the demolition of eight rent-controlled units at 1921 Walnut Street for the Anchor House Student Housing Project;¹
 - \$130,000 shall be allocated by the City for a permanent restroom in the Telegraph area;
 - An amount determined through joint planning between the City and the University will be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population;
 - The City shall allocate the remainder of the 2021 Annual Payment as it determines to be appropriate.

- For the 2022 Annual Payment, the City will allocate funds as follows:
 - \$250,000 shall be allocated by the City for Piedmont/Channing traffic circle pedestrian and street lighting improvements;
 - Amount to be determined for wildfire risk management and fuel reduction on UC owned property;
 - The City shall allocate the remainder of the 2022 Annual Payment in compliance with Section 3.4.

- The City will spend not less than 30 percent of the Annual Payment on services and infrastructure that benefit City residents living within one-half mile of the University's main campus boundaries and the Clark Kerr Campus. If the City fails to adhere to this commitment, then the University has the right to terminate this Agreement after providing the City written notice of the City's breach and a reasonable opportunity to cure the breach pursuant to Section 8.5. The Chancellor, Mayor, City Manager and Vice Chancellor for Administration shall meet annually to review the City's proposed list of projects and/or services satisfying the

¹ This amount does not replace or in any way impact any relocation benefits provided by the University to tenants at 1921 Walnut Street.

requirements of this Section. The parties shall use best efforts to reach mutual agreement on the list of expenditures, but the City shall make the allocations of its own expenditures, consistent with the terms of this Agreement. The City will not allocate any portion of the Annual Payment to the development of a new fire station, should the City decide to develop a new fire station during the term of this Agreement.

- The University intends, but is not obligated, to continue to fund the Chancellor's Community Partnership Fund during the term of this Agreement in the amount of approximately \$300,000/year, increased by three (3) percent annually. The University shall provide a summary of these expenditures to the City annually.

Section 4 – COOPERATIVE RELATIONSHIP AND PLANNING REGARDING MATTERS OF MUTUAL CONCERN

- The University and the City will negotiate in good faith to establish within two years of the Effective Date a collaborative planning process for the City to review and comment upon campus capital projects located in the City environs and implementation of sustainable development standards prior to campus approval of such projects.
- The University will continue its practice of typically voluntarily honoring the City's existing zoning standards in the design of projects off the main campus. The University will consult with City staff, the City Council and relevant commissions as well as community members about new projects off of the main campus and respond to any reasonably identified concerns presented during the public process. This consultation shall include, but not be limited to, the following actions:
 - LRDP Projects. While implementing the 2021 LRDP, the University will continue to review and consider the City's adopted planning and zoning documents, including without limitation the Downtown Area Plan (DAP) and the Southside Area Plan (SAP) when making decisions about the location of University facilities off of the main campus, and will use the design guidelines and standards prescribed in the DAP or SAP, as applicable, when designing projects in the respective plan areas to the extent they are consistent with the program for the building.
 - Off-Campus Projects. The University will submit all capital projects off of the main campus with an anticipated value in excess of \$5 million to the City's Planning Director and will either incorporate the City Planning Director's comments into the project or explain in writing its decision not to do so. Additionally, the University will submit all capital projects off of the main campus with a value in excess of \$5 million to the City's 4x6 City/Student/UC committee so that the committee and/or its members may provide comments to the University regarding such projects. When the University determines that it will not implement such projects consistent with the City's adopted planning and

zoning documents, the University will, upon the request of the City's Planning Director, provide a written explanation of the reasons for such decision.

- If campus undergraduate enrollment growth exceeds one percent per year on average over three consecutive years, then the Mayor, City Manager, the Chancellor and the Vice Chancellor for Administration shall meet to discuss the potential physical impacts of enrollment increases on the City and whether any amendments should be made to the terms of this Agreement to address the increase. The City shall present specific data and evidence to illustrate the physical impacts of campus enrollment increases on the City.
- During the term of this Agreement, so long as there is demonstrated need on and in areas adjacent to University, the University will continue to fund a position of a campus social worker to work with the unhoused population who visit People's Park and in the broader Telegraph area, inclusive of Willard Park.
- The City and University are parties to a Memorandum of Understanding (City of Berkeley Resolution No. 51,172-N.S.) regarding the development of the Clark Kerr Campus dated April 23, 1982 (the "MOU"). The terms of the MOU are not altered by this Agreement, though they are generally described for reference in this Section and its subsections. During the remaining term of the MOU, the University and the City will comply with the MOU by working cooperatively in planning and development of projects on the Clark Kerr Campus that would be constructed prior to the expiration of the time term of the MOU in 2032. The City and the University will also consult and work cooperatively regarding potential expanded public access to recreational facilities on the Clark Kerr Campus.

The University reaffirms its commitment to work in partnership with the City as prescribed in the MOU.

With regard to any development planned to be undertaken by the University after the expiration of the MOU in 2032, but during the time term of this Agreement, the City will take a lead role in soliciting community input along with the University for capital renovation and capital projects (demolition, remodeling, retrofit and new construction) at the Clark Kerr Campus. The City and University will work cooperatively to develop any operational mitigations, if necessary, regarding capital renovation and capital Projects at the Clerk Kerr Campus, and will consult and work cooperatively with the City regarding public access to recreational facilities on the Clark Kerr Campus.

- The University's leadership will work with the City's elected officials and staff to study the impacts and plan for the potential closure of Alta Bates Hospital and its emergency room in Berkeley, and identify alternatives to continue emergency and acute care for the University and city population.

- The University will cooperate in good faith with City efforts to collect and remit the City Parking Space Rental Tax from University-owned lots. The University will make best efforts to collect the tax from users by the date that the City begins collecting the tax from City-owned lots and demands collection by BART. The City acknowledges that the administrative processes between the City and the University related to collection of the tax must be established and that such establishment could preclude collection of the tax on behalf of the City prior to January 1, 2022.
- The University shall require its commercial tenants in buildings leased to non-University parties by the University (when such buildings are not on the main campus or the Clark Kerr Campus) for the sole purpose of generating revenue (as opposed to carrying out the program of the University) to obtain City permits and pay City impact fees. The University shall determine in good faith whether a space is leased to carry out its programs or exclusively to generate income. Nothing in this Section prevents the City from disagreeing with the University's determination that a commercial tenancy is in furtherance of the University's program.
- The University and the City will collaborate in good faith to reach an agreement regarding the University's master leasing of off-campus residential buildings, and will meet and confer in an effort to reach such an agreement within one year of the Effective Date. The University and City contemplate that such an agreement will set a date by which the University would reduce or eliminate its use of master leasing of residential facilities, excepting only temporary leasing necessary to create surge space during the renovation or construction of campus housing facilities. This Section does not require either party to enter into such an agreement, but the parties shall use their good faith best efforts to do so.
- The University commits in concept to assisting the City in its development of a new fire station by contributing land off of the main campus owned by the University as of the Effective Date and suitable for the development of a City fire station intended to serve the City and campus communities. The City and the University will engage in cooperative joint planning for a potential fire station in a location identified through such planning. This provision does not constitute a commitment by either party to entitle or fund a future fire station nor does this provision evidence that the City or the University have determined such a fire station to be necessary at this time.
- The University shall consider executing a ground lease to Resources for Community Development (or a similar private nonprofit housing developer) land at People's Park for the construction of a housing project to provide affordable and permanent supportive housing for the homeless. The University and City agree that the campus will entitle the project in order to enable the non-profit developer to fund and construct the project, and will work with the City and non-profit developer to support state and outside funding to complete the project. The obligations of the University regarding the supportive housing project are contingent upon compliance

with the California Environmental Quality Act and the approval of the design of the project by the Board of Regents, which is presently scheduled to consider the project in September of 2021.

- Explore relocation and the cost of relocating the eight-unit building at 1921 Walnut Street, if it is technically feasible, to a site to be determined, prior to the commencement of construction of the Anchor House Student Housing Project, so long as moving the building does not result in increased time to the Anchor House Student Housing Project and/or the University, or delay the construction of the Anchor House Student Housing Project.

Section 6 – CURRENT AND FUTURE LITIGATION

- The City agrees to promptly dismiss the Upper Hearst Project lawsuit with prejudice and will represent to any court in the remaining Save Berkeley's Neighborhoods lawsuit challenging the Upper Hearst Project and SEIR (Alameda County Superior Court Case No. RG19022887) that the City does not oppose the Upper Hearst Project or the SEIR.
- The City agrees to promptly dismiss the City as a party with prejudice in the Clark Kerr Covenants Lawsuit (Alameda County Superior Court Case No. RG19006256) and will represent to any court in the remaining Save Berkeley's Neighborhoods lawsuit challenging the Clark Kerr Covenants that the City has dismissed or intends to dismiss all causes of action in the lawsuit with prejudice.
- 2021 LRDP, People's Park Housing Project, and Anchor House Student Housing Projects. The City agrees not to file any lawsuits, pursue any legal challenges, or directly or indirectly support any litigation (including without limitation through funding or by encouraging any litigation by an organization) that opposes: (1) the 2021 LRDP and 2021 LRDP EIR (2) the Anchor House Student Housing Project, (3) the People's Park Housing Project, including without limitation the permanent supportive housing component; provided, however, the City retains all rights to challenge the Anchor House Student Housing Project and the People's Park Housing Project if the University materially changes the scope of such projects in such a way that would cause new significant impacts or substantially increase the severity of impacts previously found to be significant.
- Future Campus Capital Projects, Off-Campus Housing Projects & Enrollment Decisions. Unless the City terminates this Agreement pursuant to the termination rights described in Section 7.3 or 7.4 below, while the Agreement is in effect, the City will not file any lawsuit, pursue any legal challenges, or directly or indirectly support any litigation (including without limitation through funding or by encouraging any litigation by an organization) under CEQA or any other theory to challenge the University's decision to approve: (1) a campus capital project on the University main campus or the Clark Kerr Campus ("Campus Capital Project"); (2) any other campus capital project off of the University main campus that consists of more than

80 percent assignable square footage of housing (“Off-Campus Housing Project”); or (3) any enrollment decision made by the State of California or the University (“Enrollment Decision”). Unless the City terminates this Agreement pursuant to the termination rights described in Section 7.4 described below, the City will also not file any CEQA action challenging an enrollment increase.

Section 7 – TERMINATION

- The Agreement shall become effective upon execution of the undersigned, and shall supersede, replace, and terminate the 2005 Settlement Agreement in its entirety. Any monetary payments, if any, by the University to the City that would have been due on July 1, 2021 under the 2005 Settlement Agreement are replaced in full by the payment called for on July 1, 2021, in Section 3.1 of this Agreement. This Agreement shall terminate on June 30, 2037 ("Expiration Date"), or at such earlier date as set forth in this Agreement.
 - Upon prior written notice to the University, the City may terminate this Agreement if the City decides to file a lawsuit challenging a Campus Capital Project or Off-Campus Housing Project, as defined in Section 6.4. If the City desires to file such a lawsuit, then the City may terminate this Agreement and permanently forego entitlement to future Annual Payments under this Agreement. In the event of such termination, in such litigation or in any litigation filed by the City regarding a specific proposed capital project that is tiered from the 2021 LRDP EIR, the City shall not seek any compensation or damages related to enrollment increases at the University so long as the University does not increase campus undergraduate enrollment by an amount that exceeds one percent annual enrollment growth, compounded annually, compared to the 2020-2021 undergraduate enrollment level, at the time such litigation is filed.
 - Upon prior written notice to the University, the City may terminate this Agreement (which shall also permanently terminate the University's obligation to make Annual Payments pursuant to Section 3.1 of this Agreement) if the University decides to increase campus undergraduate enrollment by an amount that exceeds one percent annual enrollment growth, compounded annually, compared to the 2020-2021 undergraduate enrollment level. In the event of such termination, the University and the City will have no further obligations under this Agreement except that the City's obligation to not challenge a decision to approve the Upper Hearst Project, the 2021 LRDP, the Anchor House Student Housing Project and the People's Park Housing Project expressly survives such termination.
2. City Council met in closed session on July 14, 2021 Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matters, WCAB Case #ADJ11556675 and ADJ10831595.

Ceremonial Matters:

1. Recognition of June 3 as Partition Remembrance Day

2. Adjourned the Meeting in Memory of Eli Kane, Recent BHS Graduate
3. Adjourned the Meeting in Memory of the victim of the recent traffic fatality on Ashby Avenue
4. Recognition of the 31st Anniversary of the signing of the Americans with Disabilities Act

City Manager Comments:

The City Manager provided a detailed update on the Reimagining Public Safety process.

Public Comment on Non-Agenda Matters: 9 speakers

Consent Calendar

Action: M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Support of AB 9: Wildfire Preparedness and Mitigation.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Support for SB 290

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) Authorization to East Bay Community Foundation to disburse \$165,000 from The Berkeley COVID Relief Fund to BANANAS to distribute to Berkeley Childcare Providers most impacted by COVID-19

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

Action: M/S/C (Arreguin/Hahn) to accept revised materials from Mayor Arreguin and Councilmember Hahn for Item 22.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent - Droste

Action: M/S/C (Hahn/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent - Droste

Consent Calendar

Urgency Item: Support of AB 9: Wildfire Preparedness and Mitigation

From: Councilmember Robinson (Author)

Recommendation: Send a letter of support to Assemblymember Jim Wood, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 9, which aims to focus on the state's community preparedness and mitigation efforts, including assistance to local jurisdictions, by establishing new programs and operational structures within the Department of Conservation and the Office of the State Fire Marshal.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

Urgency Item: Support for SB 290

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Senator Nancy Skinner and Assemblymember Buffy Wicks in support of SB 290, which would improve the Density Bonus Lay by further incentivizing the inclusion of low-income student housing in student housing developments, among other changes.

Financial Implication: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation.

Urgency Item: Authorization to East Bay Community Foundation to disburse \$165,000 from The Berkeley COVID Relief Fund to BANANAS to distribute to Berkeley Childcare Providers most impacted by COVID-19

From: Councilmember Hahn (Author) and Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a Resolution directing the East Bay Community Foundation (EBCF) to disburse \$165,000 from the Berkeley Relief Fund to BANANAS for the purpose of providing grants to Berkeley childcare providers: 1. Authorize EBCF to disburse \$165,000 from the Berkeley Relief Fund to BANANAS, with \$150,000 available for grants and \$15,000 to BANANAS to cover administrative and program costs; and 2. Direct BANANAS to identify Berkeley's most vulnerable licensed in-home childcare providers according to grant criteria and provider terms approved by the City Manager, and grant up to \$10,000 to each qualified provider to be used for purposes related to the provision of childcare.

Grants in excess of \$10,000 or diverging from approved criteria and/or terms shall require written approval of the City Manager, and all grants shall be reported to the City Manager before December 31, 2021

Financial Implications: \$165,000

Contact: Vice Mayor Sophie Hahn, Council District 5, (510) 981-7150.

Action: Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 69,971-N.S.

- 1. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,780-N.S. rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to

Consent Calendar

- 2. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,781-N.S. amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted second reading of Ordinance No. 7,781–N.S.
- 3. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount not to exceed \$163,008 for fitness center memberships for City employees for the period July 1, 2021 through June 30, 2022.
Financial Implications: Various funds - \$163,008
Contact: Rama Murty, Budget Office, (510) 981-7000
Action: Adopted Resolution No. 69,972–N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of June 1, 2021 (regular), June 3, 2021 (closed), June 10, 2021 (closed), June 15, 2021 (special and regular), June 17, 2021 (closed), June 25, 2021 (closed) and June 29, 2021 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 5. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 24, 2021, in Sacramento.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation appointing Councilmember Hahn as the voting delegate and Councilmember Taplin as the alternate.

Consent Calendar

- 6. Contract: Citygate for Fire Department Standards of Coverage Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a Standards of Response Coverage study for the Berkeley Fire Department (Department) from August 1, 2021 to September 30, 2022, in an amount not to exceed \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.
Financial Implications: Measure FF - \$200,000
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,973–N.S.
- 7. Contract: East Bay Sanctuary Covenant – Trauma Support Services for Latinx/Latinas/Latinos**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute and amend a contract with the East Bay Sanctuary Covenant, funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, for Trauma Support Services for Latinx/Latinas/Latinos, for an initial contract not to exceed \$100,000 through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,974–N.S.
- 8. Contract No. 052129-1 Amendment: Pacific Center for Human Growth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 052129-1 with the Pacific Center for Human Growth for trauma support services for the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Agender, Plus (LGBTQIA+) population, to increase the amount by \$100,000 for a total contract amount not to exceed \$415,150, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,975–N.S.

Consent Calendar

- 9. Contract No. 088999-1 Amendment: Center for Independent Living**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 088999-1 with the Center for Independent Living for trauma support services for older adults, to increase the amount by \$31,846 for a total contract amount not to exceed \$320,676, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$31,846
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,976–N.S.
- 10. Contract No. 8392B Amendment: Innovative Claim Solutions (ICS) for claims administration of the City’s Workers’ Compensation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392B with Innovative Claim Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), to increase the amount by an additional \$616,819, for a total contract amount of \$7,440,430, and extending the period through June 30, 2022.
Financial Implications: Workers’ Compensation Self-Insurance Fund - \$616,819
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,977–N.S.
- 11. Contract No. 090741-1 Amendment: Bartel Associates, LLC for Actuarial Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 090741-1 with Bartel Associates, LLC for Actuarial Consulting Services, increasing contract amount by \$95,000 for a revised total contract amount not to exceed \$270,000 through December 31, 2023.
Financial Implications: Various Funds - \$95,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,978–N.S.

Consent Calendar

- 12. Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the John Hinkel Park Amphitheater Area Improvements Project, Specification No. 21-11426-C; 2. Accepting the bid of the lowest responsive and responsible bidder, OBS Engineering, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Renovations Project at 41 San Diego Road, in an amount not to exceed \$1,119,580 which includes a contract amount of \$1,017,800 and a 10% contingency in the amount of \$101,780.
Financial Implications: Various Funds - \$1,119,580
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,979–N.S. as revised in Supplemental Communications Packet #2 to reject the bid protest.
- 13. Contract No. 31900178 Amendment: Siegel & Strain Architects for Design and Construction Administration Services for the Cazadero Camp Jensen Dormitory Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900178 with Siegel & Strain Architects for design and construction support services for the Cazadero Camp Jensen Dormitory Replacement Project, increasing the contract by \$120,000 for a total amount not to exceed \$278,000.
Financial Implications: Camps Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,980–N.S.
- 14. Contract No. 32100146 Amendment: Bellingham Inc. for Additional Dock Repairs at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100146 with Bellingham Inc. to repair additional docks at the Berkeley Marina by increasing the construction contract amount by \$40,000 for a not-to-exceed amount of \$280,000.
Financial Implications: Marina Fund - \$40,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,981–N.S.

Consent Calendar

- 15. Contract No. 32100102 Amendment: DMR Builders for the 125/127 University Avenue Tenant Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100102 with DMR Builders to complete renovation and facility upgrade work at the 125/127 University Avenue building, increasing the amount of the contract by \$146,000, for a new amount not to exceed of \$439,000.
Financial Implications: Parking Meter Fund - \$146,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,982–N.S.
- 16. Dana Complete Street Pilot Project by AC Transit**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving the Dana Complete Street Pilot Project, including a conceptual design repurposing an existing traffic lane to install a two-way cycle track, construction of a boarding island for bus passengers, and specified changes to parking and loading zones, as necessary, and directing the City Manager to direct staff to work with Alameda-Contra Costa County Transit District (AC Transit) in developing the detailed engineering design of the project; 2) authorizing the City Manager to direct staff to grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit, and directing the City Manager to direct staff to work with AC Transit on the evaluation phase of the project following construction.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,983–N.S.
- 17. Creation of Climate Equity Action Fund**
From: Energy Commission
Recommendation: The Energy Commission recommends that City Council create a Climate Equity Action Fund, designate a process for making funding decisions, and appropriate \$600,000 to create a pilot test.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Approved recommendation as revised in Supplemental Communications Packet #1 by Councilmember Harrison to adopt Resolution No. 69,984-N.S. with further amendments to the be it resolved clause made at the meeting as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager establish a Climate Equity Action Fund as a repository of city, regional, state, and federal funds related to climate equity for income-qualified households with a preference for households at or below 50% of Area Median Income.

Consent Calendar

- 18. Request for Two Additional Meetings for the Commission**
From: Homeless Services Panel of Experts
Recommendation: That Council grant the Homeless Services Panel of Experts two additional meetings for the calendar year, 2021.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
Action: Approved the City Manager recommendation. Additional meetings not approved.

Council Consent Items

- 19. Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, in the amount of \$78,000, extending the contract to June 30, 2022.
Financial Implications: Mayor's Office Budget - \$78,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,985-N.S. as revised in Supplemental Communications Packet #2 by Mayor Arreguin.
- 20. Letter of Support for Senate Bill 379**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Senate Bill 379 to State Senator Scott Wiener (D-SF), State Senator Nancy Skinner (D-Berkeley), Asm. Buffy Wicks (D-Oakland) and Senate President Pro Tempore Toni Atkins (D-San Diego).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 21. Proclamation: Partition Remembrance Day**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: That the Berkeley City Council adopts the Partition Remembrance Day Proclamation.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.

Council Consent Items

- 22. Accelerating the City of Berkeley’s transition to Plant-Based Foods**
From: Councilmember Hahn (Author), Mayor Arreguin (Author)
Recommendation: Adopt a Resolution establishing a goal to achieve a 50% decrease in animal-based food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,986–N.S. as revised in materials submitted at the meeting by Councilmember Hahn and Mayor Arreguin.
- 23. Appointment of Beverly Greene to the Board of Library Trustees**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution appointing Beverly Greene to the Board of Library Trustees (“BOLT”) for a term of four years beginning August 31, 2021.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,987–N.S.
- 24. Letter to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act**
From: Councilmember Hahn (Author)
Recommendation: Send a letter, attached, to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.
- 25. Moving Forward to Contract for Municipal Grant-Writing Services**
From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Direct the City Manager to move forward to establish needs and select a firm or firms to supplement the City’s grant writing capacity, and provide a budget referral in time to be considered for the November 2021 AAO Update, such that a new firm or firms can be in place by January of 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Council Consent Items

26. **Calling on the U.S. Government to Negotiate the Elimination of Nuclear Weapons**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Adopt a Resolution calling on the government of the United States to implement its obligations under international law to negotiate the elimination of nuclear weapons. Send a copy of the resolution to President Biden, Congressmember Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 69,988–N.S.

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

27. Updated Fees for the Home Occupations Ordinance

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S., the Planning Department Fee Schedule, to establish fees for new Home Occupation permit categories.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,989–N.S.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Action Calendar – Old Business

28. Objective Standards Recommendations for Density, Design and Shadows

From: Joint Subcommittee for the Implementation of State Housing Laws
(Continued from March 23, 2021. Item contains supplemental material.)

Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

Financial Implications: See report

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

Action: 6 speakers. M/S/C (Arreguin/Wengraf) to continue the item to September 14, 2021.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

29. City Council Rules of Procedure and Order Revisions *(Item re-agendized by Council direction on April 20, 2021 to consider whether to extend the temporary rules in Appendix D.)*

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: Moved to Consent Calendar. No action taken. Appendix D requirements

Action Calendar – New Business

Information Reports

- 30. Referral Response: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.
- 31. Annual Report on Landmarks Preservation Commission Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 2 speakers.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to adjourn the meeting.

Vote: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Adjourned at 9:09 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on July 27, 2021.

Mark Numainville
City Clerk

Communications

Item #14: Dana Complete Street Pilot Project by AC Transit

1. Charles Siegel, Ben Gerhardstein, Karen Parolek for Walk Bike Berkeley

Transit-Oriented Development (TOD) at BART

2. 9 similarly-worded form letters
3. Cindy Shamban
4. Marianne Schulman
5. D.P. Neyhart
6. Laura Klein
7. Larry Orman
8. David Brandon

Appeal 1527 Sacramento – AUP# ZP2020-0034

- 9. Joyce Lewis
- 10. Michele and Micah Liedeker

Grizzly Peak

- 11. Joshua Bloom

Homelessness

- 12. Bob May (2)

Pedestrian Safety

- 13. David Lerman

Assembly Bill 1238 – Response to Letter Dated May 11, 2021 (Item 27)

- 14. State Senator Nancy Skinner

Public Restrooms

- 15. Judy Hunt

Defining Ecocide

- 16. Thomas Lord

Zoning

- 17. Helen Jones

Privatization of Some Public Spaces

- 18. Ann Hawkins

East Bay Community Energy (ECBE)

- 19. ECBE

Community for a Cultural Civic Center

- 20. Ann Harlow

URL's Only

- 21. Russbumper (7)

Supplemental Communications and Reports 1

Item #17: Creation of Climate Equity Action Fund

- 22. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #12: Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvement Project

23. Revised material, submitted by Parks, Recreation and Waterfront

Item #16: Dana Complete Street Pilot Project by AC Transit

24. Ryan Lau, on behalf of Alameda-Contra Costa Transit District

Item #19: Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services

25. Supplemental material, submitted by Mayor Arreguin

Supplemental Communications and Reports 3

Item #16: Dana Complete Street Pilot Project by AC Transit

26. Alex Knox, on behalf of the Telegraph Business Improvement District

Item #17: Creation of Climate Equity Action Fund

27. Thomas Lord

Item #22: Accelerating the City of Berkeley's transition to Plant-Based Foods

28. Revised material, submitted by Councilmember Hahn

Item #27: Updated Fees for the Home Occupations Ordinance

29. Presentation, submitted by Planning

30. Michai Freeman

Item #28: Objective Standards Recommendation for Density, Design and Shadows

31. Presentation, submitted by Planning

Item #29: City Council Rules of Procedures and Order Revisions

32. Andrea Mullarkey

Urgent Items

Support of AB 9: Wildfire Preparedness and Mitigation

33. Urgent item, submitted by Councilmember Robinson

Support of SB 290

34. Urgent Item, submitted by Councilmember Robinson

Direct the East Bay Community Foundation to disburse \$165,00 from the Berkeley COVID Relief Fund to a local non-profit, BANANAS, to distribute to Berkeley Childcare Providers most impacted by COVID

35. Urgent item, submitted by Councilmember Hahn

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Thursday, July 29, 2021
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84636794436> If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 846 3679 4436 If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 4:05 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin

Absent: Harrison, Droste

Consent Calendar

Public Comment on Consent Calendar Items Only: 0 speakers.

Action: M/S/C (Hahn/Wengraf) to accept revised material from the City Manager on Item 5 and to approve the Consent Calendar.

Vote: Ayes - Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

1. **Tentative Memorandum Agreement: Service Employee International Union Local 1021 Community Services Unit and Part-Time Recreation Leaders Association**

From: City Manager

Recommendation: Adopt two Resolutions:

1) Approving a new three-year Memorandum Agreement (hereafter referred to as the “MA”) with the Service Employees International Union Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the “Union”) with a term of June 27, 2021 through June 26, 2024, and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new labor agreement; and

2) Approving a new salary resolution for Representation Units G-1, G-3, I-A, I-B, L [CSU0], R-1 and R-2 [CSPT] and L-6 that implement the new salary levels negotiated in the MA and rescinding Resolution No. 69,626-N.S. pending Union ratification.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,990–N.S. and Resolution No. 69,991–N.S.

2. Memorandum of Understanding: Berkeley Fire Fighters Association/I.A.F.F. Local 1227 Berkeley Chief Fire Officers Association

From: City Manager

Recommendation: Adopt two Resolutions:

- 1) Approving a new two (2) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 Berkeley Chief Fire Officers Association (hereafter referred to as the "Association") with a term of July 1, 2021 through June 30, 2023 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements; and
- 2) Approving a new salary resolution for Representation Unit A to implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 68,628-N.S pending Union ratification.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,992–N.S. and Resolution No. 69,993–N.S.

3. Memorandum Agreement: Berkeley Fire Fighters Association, Local 1227 I.A.F.F.

From: City Manager

Recommendation: Adopt two Resolutions:

- 1) Approving a new two (2) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the "Association") with a term of July, 1, 2021 through June 30, 2023 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and
- 2) approving a new salary resolution for Representation Unit B to implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 68,581-N.S.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,994-N.S. and Resolution No. 69,995–N.S.

4. Memorandum of Understanding: Public Employees Union – Local 1

From: City Manager

Recommendation: Adopt two Resolutions:

1) Approving a new three-year Memorandum of Understanding (hereafter referred to as “MOU”) with Public Employees Union (PEU) Local One (hereafter referred to as the “Union”) with a term of effective upon Council adoption through June 26, 2024 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and

2) Approving a new salary resolution for Representation Units M, P1, and P2 that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 68,710-N.S. Also, authorize the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with Council Direction, the tentative agreements and conforming to legal requirements.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,996–N.S. and Resolution No. 69,997–N.S.

5. Unrepresented Employee Salaries and Salary Adjustments to Median for Police Chief and Assistant City Attorney

From: City Manager

Recommendation: Adopt a Resolution approving salary adjustment for the Unrepresented Employees in Units Z-1; Z-2; Z-3; Z-6; and Z-9, and simultaneously adopt a median salary adjustment for Police Chief and Assistant City Attorney effective upon council adoption and rescinding Resolutions No. 68,534-N.S. and 69,538-N.S.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,998–N.S. as amended in the revised materials accepted at the meeting.

Council Consent Items

6. Confirming Community Appointment to Reimagining Public Safety Task Force

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution confirming the appointment of Jamaica Moon by the Steering Committee of the Berkeley Community Safety Coalition (BCSC) to the Reimagining Public Safety Task Force.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Adopted Resolution No. 69,999–N.S.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.

Vote: Ayes - Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Adjourned at 4:10 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on July 29, 2021.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #5: Unrepresented Employee Salaries and Salary Adjustments to Median for Police Chief and Assistant City Attorney

1. Revised material, submitted by Human Resources

Item #6: Confirming Community Appointment to Reimagining Public Safety Task Force

2. Moni Law