

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, September 28, 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/82143975247>. 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: 821 4397 5247. 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:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjournment in Memory of Professor Leon Litwack, UC Berkeley Professor

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Recess Items

- 1. Contract No. 32100192 Amendment: California Constructores for Construction of Pedestrian Improvements at California Street/Dwight Way Intersection**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100192 with California Constructores for work on the Fiscal Year 2020 Sidewalk Repairs Project, Specification No. 20-11409-C, to perform safety-related pedestrian improvements at the California Street/Dwight Way intersection, increasing the current contract amount by up to \$175,900, for a total amount not to exceed \$2,175,900.
Financial Implications: General Fund - \$175,900
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 2. Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,782–N.S. amending Berkeley Municipal Code Chapter 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 3. Transfer of Two Property Parcels to the State of California for the Ashby-San Pablo Intersection Improvements Project**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,783-N.S. authorizing the City Manager to execute the attached Grant Deed for Parcel No. 63719 and Quitclaim Deed for easement on Parcel No. 63720-1 with the State of California, Department of Transportation (“Caltrans”) and any associated documents as necessary for the transfer of the property interests in these two parcels of property to Caltrans, for the Ashby-San Pablo Intersection Improvements Project (“Project”), Specification No. 18-11182-C.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 4. Contract No. 9712A Amendment: QuickCaption, Inc. for Real-Time Closed Captioning Stenography Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9712A with QuickCaption, Inc. for the provision of real-time closed captioning stenography services, including captioning virtual meetings, at all work sessions, regular and special meetings of the City Council and Successor Agency to the former Redevelopment Agency, increasing the contract by \$120,000 for a total not to exceed amount of \$321,900.
Financial Implications: General Fund - \$120,000
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Grant from the William and Flora Hewlett Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$10,525 grant from the William and Flora Hewlett Foundation, which augments a prior grant of \$20,000 awarded and accepted in 2019 for an assessment of arts space affordability challenges, displacement risks and possible strategies to protect affordable spaces for arts organizations, artists and cultural workers in Berkeley.
Financial Implications: \$10,525 (Grant)
Contact: Dave White, City Manager's Office, (510) 981-7000
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 28, 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 - \$6,675,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 7. Contract: Genasys for Citywide Outdoor Warning System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Genasys, Inc. for consulting, planning, construction, installation, software hosting, and implementation of a Citywide Outdoor Warning System (OWS), for a total amount not to exceed \$1,974,457.
Financial Implications: Measure FF - \$1,974,457
Contact: Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 8. Grant Application: Funding from FEMA’s Assistance to Firefighters Grant to Support a Regional Fire Service Leadership Development Academy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program in the amount of \$168,272 to fund a Regional Fire Service Leadership Development Academy (LDA), and to accept grant funds and execute resulting grant agreements.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473
- 9. Contract No. 31900132 Amendment: Building Opportunities for Self-Sufficiency for Representative Payee Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract amendment with vendor Building Opportunities for Self-Sufficiency (BOSS) to provide Representative Payee services. The amendment will add \$100,000 to the current contract and extend it through June 30, 2022 for a total contract not to exceed amount of \$300,000.
Financial Implications: Mental Health Service Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract: Berkeley Free Clinic for Laboratory Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with the Berkeley Free Clinic (BFC) for laboratory services, in an amount not to exceed \$150,000 for the period July 1, 2021 through June 30, 2024.
Financial Implications: General Fund - \$150,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center Operations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding between the City of Berkeley and Alameda County Behavioral Health Care Services for the term July 1, 2021 through June 30, 2023 for an expenditure of up to \$491,933 to fund the operational costs of a Mental Health Wellness Center located in Berkeley.
Financial Implications: Mental Health Service Act Fund - \$491,933
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 12. Donation: Memorial Bench at Cesar Chavez Park in Memory of Nancy Park**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Nancy Park.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation: Memorial Bench at Greg Brown Park in memory of Michael, Anna, and John Wyman**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Greg Brown Park in memory of Michael, Anna, and John Wyman.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Donation: Memorial Bench at the Jane Hammond Softball Field at Corodonicos Park in memory of Dixie Lewis**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Jane Hammond Softball Field at Codornices Park in memory of Dixie Lewis.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 15. Donation: Memorial Bench at Shorebird Park at the Berkeley Marina in Memory of Shay M. Finnegan**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Shorebird Park in memory of Shay M. Finnegan.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 16. Exclusive Negotiating Agreement with Innovation Properties Group for 199 Seawall Drive**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an Exclusive Negotiating Agreement with Innovation Properties Group to develop a pre-development agreement that could lead to a long-term lease of City property at 199 Seawall Drive and a short-term license for a portion of the adjacent parking lot.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 17. Contract No. 10508 Amendment: Ben Noble, City and Regional Planning for Zoning Ordinance Revision Project (ZORP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10508 with Ben Noble, City and Regional Planning, to develop objective standards in the Zoning Ordinance as ZORP Phase 2, increasing the contract amount by \$125,000 to a new total not-to-exceed contract amount of \$425,000, and extending the contract period to December 31, 2023.
Financial Implications: General Fund - \$125,000
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 18. Lease Agreement with Motorola Solutions for Public Safety Radios**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into an initial seven-year lease and any future amendments with seven annual payments estimated at \$920,000 and not to exceed \$6.5 million dollars total for public safety radios with Motorola Solutions.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900, Abe Roman, Fire, (510) 981-3473
- 19. Purchase Orders: Bruce's Tire, Inc. for New Automobile and Truck Tires**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute yearly purchase orders for new tires for City owned vehicles and equipment with Bruce's Tire, Inc. in an amount not to exceed \$2,900,000 for FY 2022 through FY 2026.
Financial Implications: Equipment Maintenance Fund - \$2,900,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 20. Extending the Requirements for Telestaff Time Reporting**
From: Disaster and Fire Safety Commission
Recommendation: The Disaster and Fire Safety Commission (DFSC) recommends that the Berkeley Fire Department require that all overtime recorded for Fire Suppression be coded properly in the Telestaff application to show the reason for the overtime. Further, to assist determining what overtime is eligible to be charged to Measure GG as "Minimum Staffing" that overtime must be properly coded as supporting minimum staffing. (Currently, this would be code 00FS10 and 00FS11). This would not affect charges for Measure GG approved time or overtime. In addition, we recommend that in any future reports to the DFSC on Measure GG budget that the report include a breakdown of the time by labor purpose of both regular and overtime.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473

Consent Calendar

21. **Appointment of Tommy Escarcega to Mental Health Commission**

From: Mental Health Commission

Recommendation: Adopt a Resolution appointing: Tommy Escarcega as a representative of the Special Public Interest, Consumer Category, to complete her first 3-year term beginning September 29, 2021 and ending September 28, 2024.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

22. **Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone**

From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.

Financial Implications: Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Consent Items

23. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets

From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

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:

1. Ninth Street between Dwight Way and Heinz Avenue
2. Addison Street between San Pablo Avenue and Sixth Street;
3. Allston Way between San Pablo Avenue and Sixth Street;
4. Bancroft Way between San Pablo Avenue and Sixth Street;
5. Channing Way between San Pablo Avenue and Fourth Street;
6. Dwight Way between San Pablo Avenue and Sixth Street;
7. Camelia Street between Eighth Street and Ninth Street;
8. Eighth Street between Jackson Street and Camelia Street;
9. Ninth Street between Camelia Street and Cedar Street;
10. Virginia Street between Sacramento Street and Martin Luther King Jr. Way;
11. Virginia Street between Shattuck Avenue and Euclid Avenue;
12. Channing Way between Martin Luther King Jr. Way and Piedmont Avenue;
13. Heinz Avenue between Ninth Street and San Pablo Avenue;
14. Russell Street between San Pablo Avenue and Shattuck Avenue;
15. Russell Street between Telegraph Avenue and Claremont Avenue;
16. California Street between Hopkins Street and University Avenue;
17. California Street between Dwight Way and Russell Street;
18. King Street between Russell Street and Stanford Avenue;
19. Milvia Street from Dwight Way to Russell Street;
20. Bowditch Street from Bancroft Way to Dwight Way;
21. Hillegass Avenue from Dwight Way to Woolsey Street

Financial Implications: See report

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

24. Resolution in Support of Afghan Refugees

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

Recommendation: Adopt a Resolution in support of refugees from Afghanistan.

Financial Implications: None

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

Council Consent Items

25. **Accessible Recreation Center for Ashby BART East Parking Lot** (*Item contains revised materials*)
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager to explore the feasibility of incorporating an accessible recreation center as part of the development of the Ashby BART East Parking Lot.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
26. **Adopt a Resolution Renewing and Re-Affirming Wildfire Prevention and Safety**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Request that the Berkeley City Council adopt a resolution re-affirming that wildfire prevention and safety is a top priority in the City of Berkeley.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
27. **Amending BMC Section 14.56.040 to Reduce the Commercial Weight Limit on Marin Ave**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.040 to reduce the commercial vehicle weight limit from four tons gross weight to three tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Marin Fountain Circle.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

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

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and 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. 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.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

28. ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107

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 #ZP2020-0107 to construct a 729 square-foot, second-story addition to an existing one-story 1,822 square-foot single-family dwelling, with an average height of 23 feet 1 inch, add a fifth bedroom, and legalize an existing 10-foot fence at the rear and left side, on a lot that is existing non-conforming for lot coverage, and dismiss the appeal.

Financial Implications: None

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

29. 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 (Continued from July 13, 2021)

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

30. Adopt a Resolution and Ordinance for a Shared Electric Micromobility Permit Program

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion:

1. Adopt a Resolution approving a Shared Electric Micromobility Permit Program, establishing fees for the program, and designating the City Manager as custodian of the program; and

2. Adopt the first reading of an Ordinance adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.

Financial Implications: See report

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

Action Calendar

31. **Approval of Interim Regulations for the Police Accountability Board and Office of the Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department**

From: Police Accountability Board and Director of Police Accountability

Recommendation: Approve Interim Regulations to be used by the Police Accountability Board and Director of Police Accountability for Handling Complaints Against Sworn Officers of the Police Department under City Charter Article XVIII, Section 125 (Measure II). The City Council is asked to choose between the Board's modified proposal, conditioned upon City Attorney approval, or the Interim Director's preferred version.

Financial Implications: None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

Action Calendar – Public Hearing

32. **Adoption of the Baseline Zoning Ordinance (BZO)** *(Continued from September 14, 2021) (Item contains supplemental material)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.

Financial Implications: See report

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

Action Calendar

33. **Objective Standards Recommendations for Density, Design and Shadows**

From: Joint Subcommittee for the Implementation of State Housing Laws

(Continued from September 14, 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

Information Reports

34. **Sanctuary City Contracting Compliance Report for FY 2020**

From: City Manager

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

Information Reports

35. **Financial First Aid Kit: A Guide to Emergency Financial Preparedness for Berkeley Residents**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street.

If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, September 16, 2021.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Item #26: ZAB Appeal: 2943 Pine Avenue, Use Permit #ZP2020-0107**

1. Anne Nachtwey
2. Everett and Shannon Hartwell

### **Tent Encampments - Homelessness**

3. Jae Wheeler, oh behalf of Music Lovers, Inc. (2)
4. Charles Clarke
5. Jed Waldman

### **BART Housing**

6. Ann Einkelstein
7. Theo Posselt
8. Serena Lim
9. Elliot Parrish
10. Matthew Wadlund
11. Tyson Miklebost
12. Forest Kaser
13. Laura Stevens
14. Jane Scantlebury
15. Ariella Granett
16. Betsy Thagard
17. Donna Graves
18. Sean Kennedy
19. Laura Klein
20. Marcia Freedman

### **Masks – Vaccines – COVID-19**

21. Wise Queen
22. Alfred Manning
23. Snowsu2t3@
24. Vivian Warkentin

### **Satellite Affordable Housing Associates (SAHA)**

25. Sabina McMurtry

**UA Homes**

26. Benjamin Hubbell

**Drinking Water in Berkeley**

27. David Lerman

**East Bay Community Energy**

28. EBCE

**1740 San Pablo Ave New Construction – Funding Application**

29. Kate Traynor, on behalf of BRIDGE

**Support for Affordable Housing Overlay**

30. BNHCA Steering Committee

**Free Speech at Council Meetings**

31. Barbara Gilbert

32. Eric Friedman

**Ashby Garden at 1376 Ashby - Land Purchase Proposal**

33. Bonnie Borucki

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

