

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, October 26, 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 Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/87152148000>. 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: **871 5214 8000**. 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.*

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.

Consent Calendar

- 1. Ghost Gun Ordinance**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt second reading of an Ordinance amending the Berkeley Municipal Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law; and prohibiting any person from possessing, manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law.
First Reading Vote: All Ayes
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 2. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 3. Referral Response: Amending City Council Office Budget Expenditure and Reimbursement Policies**
From: City Manager
Recommendation: Adopt a Resolution revising the Councilmember Office Budget Relinquishment and Grant Policy to add that donations to nonprofit organizations be made on behalf of the City Council and the residents of Berkeley.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Appointment of Emergency Standby Officer for City Council District 2 and Resignation of Second Standby Officer for District 7**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of a newly nominated standby officer for City Council District 2 to serve in the event the elected official is unavailable during an emergency, removing the second standby officer for District 7, and rescinding Resolution No. 69,190-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 5. Revised Conflict of Interest Code**
From: City Manager
Recommendation: Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 69,152–N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of September 14, 2021 (closed and regular), September 21, 2021 (special) and September 28, 2021 (closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 7. Contract No. 32100161 Amendment: Dorothy Day House for Services at 742 Grayson Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract number 32100161 with Dorothy Day House, adding \$548,096 for a new total not to exceed amount of \$1,657,618, to include the operation of homeless shelter for people living in vehicles in an off-street safe parking program for Recreational Vehicles at 742 Grayson Street, and extending the contract through September 30, 2022.
Financial Implications: See report
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 26, 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: Parking Meter Fund - \$300,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 9. Contract: Federal Engineering, Inc. for Prioritized Dispatch Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Federal Engineering, Inc. (Contractor) to provide prioritized dispatch consulting services from November 1, 2021 to October 30, 2022 in an amount not to exceed \$100,000 with an option to extend for two additional two-year terms, for a total contract amount not to exceed \$300,000.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 10. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for Property Management Services at 2111 McKinley Ave**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) to fund property management services at 2111 McKinley Avenue in Berkeley, a supported housing site for mental health division clients, to increase the amount by \$287,712 for a total contract not to exceed \$657,712, and to extend the contract through November 1, 2023.
Financial Implications: FY22 Budget - \$287,712
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract No. 32100019 Amendment: Sonya Dublin Consulting as the External Evaluator, Tobacco Prevention Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100019 with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, increasing the amount by \$9,900 for a total amount not to exceed \$103,500, and extending the contract through December 31, 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Contract: Discovery Health Services, Vendor for Citywide COVID-19 Testing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Discovery Health Services for weekly onsite employee COVID-19 testing, for the period covering November 1, 2021 to November 1, 2022 for an amount not to exceed \$450,000.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 13. Contract: Voya for Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Voya for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering November 1, 2021 to November 1, 2026 for an amount not to exceed \$112,000.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Consent Calendar

14. Resolution Authorizing an Amendment to CalPERS Contract Pursuant to California Government Code 20516

From: City Manager

Recommendation: Adopt a Resolution to initiate process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the following Units: Units X-1 (Unrepresented Hourly Non-Career); X-2 (Retired Annuitants); Z-1 (Confidential and Executive Management Employees); Z-2 (Confidential Professional Employees); Z-3 (Confidential Clerical Employees); Z-6 (Legislative Analysts); and Z-9 (Unrepresented at-will positions in the Rent Stabilization Program) (collectively referred to as "Unrepresented Group").

As part of the most recent negotiations regarding the memorandum of understanding between the City and SEIU Local 1021 Maintenance and Clerical (MC), the parties agreed to reduce the MC PEPRA members' employer cost share (Ramp Down) of eight percent (8%) over the term of the current MOUs. Although the Unrepresented Group is not represented by a labor group, they customarily receive the same negotiated benefits afforded to the MC chapters.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

15. Revise Housing Inspector Supervisor Classification and Salary

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,996-N.S. Memorandum of Understanding: Public Employees Union - Local 1, revising the Housing Inspector Supervisor Classification and Salary.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

16. Assistant Inspector, Housing Inspector I, Housing Inspector II, and Senior Housing Inspector

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,991-N.S. Classification and Salary Resolution for SEIU 1021 Community Services and Part-Time Recreation Activity Leaders Memorandum Agreement, Unit L (career and non-career, miscellaneous and administrative employees) adding Assistant Inspector, Housing Inspector I, Housing Inspector II and Senior Housing Inspector.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Consent Calendar

- 17. Dell Computers, Inc.: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement for Computer Hardware and Software Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning October 26, 2021 through June 30, 2023 for an amount not-to-exceed (NTE) \$1,939,538 with \$1,019,769 in Fiscal Year 2022 and \$919,769 in Fiscal Year 2023.
Financial Implications: Various Funds - \$1,939,538
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 18. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) Extending Support and Maintenance and AT&T Phone Bill Audit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) extending Support and Maintenance and in order to conduct a phone billing audit of AT&T, increasing the contract amount by \$14,625 for a total not-to-exceed amount of \$97,436 from July 1, 2017 to June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$14,625
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 19. Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Pre-Construction documents for Potential Improvement Projects at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1) submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to prepare pre-construction technical documents for potential improvement projects at Aquatic Park; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 20. Grant Application: Boating Safety and Enforcement Equipment (BSEE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) submit a grant application to the California Division of Boating and Waterways 2021 BSEE grant program for \$20,000; 2) accept any grants; and 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 21. Renewal of the Elmwood Avenue BID for Calendar Year 2022**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.
Financial Implications: See report
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
- 22. Renewal of the Solano Avenue BID for Calendar Year 2022**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021
Financial Implications: See report
Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

Council Consent Items

- 23. Budget Referral: Reckless Driving and Sideshow Deterrence Improvements**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or botts' dots, at the following intersections:
Seventh Street and Addison Street, Eighth Street and Channing Way, Bonar Street and Allston Way, Bonar Street and Bancroft Way, additional intersections to be determined by the Transportation Division of the Public Works Department. The Transportation Division shall determine which intersections best qualify for bott's dots and which qualify for traffic circles.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Budget Referral: Sidewalk Repair on Arterial Streets**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process an allocation of \$600,000 from the General Fund for the purpose of funding sidewalk repairs on major West and South Berkeley arterial streets including Sacramento Street, Alcatraz Avenue, and Dwight Avenue.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 25. CalVIP Grant Application Authorization**
From: Councilmember Taplin (Author)
Recommendation: Authorize the City Manager to respond to Requests For Proposals (RFPs) and submit applications to the California Violence Intervention and Prevention (CalVIP) Grant Program in future funding cycles in order to provide resources for community safety initiatives.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Presentation Request: Study to Achieve Equity in City Contracting - "Berkeley Inclusion in Opportunity Index"**
From: Councilmember Bartlett (Author) and Councilmember Harrison (Co-Sponsor)
Recommendation: Request for Mason Tillman Associates Ltd (MTA) to present their findings and recommendations from the "Berkeley Inclusion in Opportunity Index" study at the November 9th, 2021 City Council meeting. The presentation should include an analysis of the City's use of local, small, emerging, and diverse enterprises. The study focuses on enterprises experiencing barriers to access in obtaining City contracts in construction, architecture, engineering, professional services, goods, and other services.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

- 27. Support Net Energy Metering**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)
Recommendation: Approve a Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 28. Amend City Council Rules of Procedure and Order to Allow Extension of Items in Committee in Writing**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section G, Subsection 4 to allow the Chair of a Committee to accept a Primary Author's written request that their item remain in Committee past the 120 day deadline rather than requiring that extensions be approved by a full vote of the committee.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 29. Budget Referral: Public Bank East Bay**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)
Recommendation: Refer \$50,000 to the November 2021 AAO process for a contribution to the Friends of the Public Bank East Bay for the development of a business plan for the Public Bank East Bay.
Financial Implications: General Fund - \$50,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 30. Budget Referral: Durant Parklet and Telegraph Plaza Improvements**
From: Councilmember Robinson (Author) and Mayor Arreguin (Co-Sponsor)
Recommendation: Refer \$60,000 to the November 2021 AAO process for placemaking improvements in the Telegraph District, consisting of the installation of a public parklet on Durant Avenue and the closure of the right-turn slip lane at the Dwight Triangle to create a public plaza.
Financial Implications: \$60,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

- 31. Budget Referral: Telegraph Shared Streets Feasibility Study**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$500,000 to the November 2021 AAO process for conducting a feasibility study of the Telegraph Shared Streets project.
Financial Implications: \$500,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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.

- 32. 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 October 12, 2021) (Item contains supplemental material)**
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 Calendar – Public Hearings

33. Proposed Ordinance Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the second reading of Ordinance No. 7,788-N.S. which modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2.

First Reading Vote: All Ayes

Financial Implications: See report

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

Action Calendar – Old Business

34. Identifying City Council Referrals for Removal *(Continued from October 12, 2021)*

From: City Manager

Recommendation: 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.

Financial Implications: None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action Calendar – Old Business

35. **Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from October 12, 2021)*

From: Agenda & Rules Committee: Mayor Arreguin, Councilmember Hahn, Councilmember Wengraf

Recommendation: Take one of the following actions:

1. Refer a proposal to the Fair Campaign Practices Commission (FCPC) amending the Berkeley Election Reform Act (BERA), BMC Chapter 2.12, and Lobbyist Registration Act, BMC Chapter 2.09, to enact “a reasonable set of limitations and rules” to regulate the maintenance of officeholder accounts, as developed and referred for consideration by the Agenda and Rules Committee; or
2. Refer a proposal to the FCPC amending BERA, BMC Chapter 2.12, to prohibit Officeholder Accounts, as originally proposed by the Fair Campaign Practices Commission.

Policy Committee Recommendation: Send the item to Council with two proposed alternatives: 1) Councilmember Hahn’s proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission’s analysis of regulating officeholder accounts in the item that goes to the full Council.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

36. **Objective Standards Recommendations for Density, Design and Shadows** *(Continued from October 12, 2021) (Item contains supplemental material)*

From: Joint Subcommittee for the Implementation of State Housing Laws

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

37. **Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier** *(Continued from October 12, 2021)*

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

Recommendation: Send a letter to State Senator Nancy Skinner (D-Berkeley), Chair of the Senate Budget Committee, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.

Financial Implications: None

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

Action Calendar – Old Business

- 38. Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley** *(Continued from October 12, 2021) (Item contains supplemental material)*
From: Councilmember Harrison (Author) and Councilmember Bartlett (Co-sponsor)
Recommendation: Refer to the November 2021 budget process approximately \$500,000 in General Fund Revenue toward fully subsidizing AC Transit fares originating from Berkeley on Sundays for at least one calendar year and possible restoration of the suspended Line 80 serving some of Berkeley's lowest income neighborhoods.
Financial Implications: General Fund - \$500,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – New Business

- 39. Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances** *(Reviewed by the Budget & Finance Policy Committee)*
From: Parks and Waterfront Commission
Recommendation: That Council adopt a Resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.
Policy Committee Recommendation: Send the item to Council with a negative recommendation and additionally request a referral to the Budget & Finance Policy Committee to discuss and develop alternative revenue streams for the Marina Fund including a dedicated reserve.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Information Reports

- 40. Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 41. Senior Center Survey Results – Fiscal Year 2021**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 42. Parks and Waterfront Commission Work Plan for 2021-2022**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

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.

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 October 14, 2021.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications – October 26, 2021

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.

Homelessness

1. Councilmember Taplin
2. Diana Bohn
3. Maria St. John
4. Alison Huetter
5. Hugh Fountain
6. Tim Southwick
7. Laura Menard
8. Councilmember Bartlett
9. Jae Wheeler

RV Parking

10. Maryann O’Sullivan
11. Diana Bohn
12. Mimi Mougovan
13. Yesica Prado

Street Paving Equity

14. Kelley Zito
15. Mikko Jokela
16. Lauren Gularte
17. Markus Feyh

Automated License Plate Readers (ALRP)

18. 18 similarly-worded from letters
19. Becca Schonberg

Affordable Housing Overlay

20. Alfred Twu
21. Nico Nagle, on behalf of the Housing Action Coalition

North Berkeley BART Zoning

22. Mary Rose

Leonard Powell Saga

23. Steve Martinot

Lori Droste’s Interview Request

24. Jalaya

BUSD Student Vaccine Mandate

25. Nathan Shepard

Sugar-Sweetened Beverage Product Panel Experts Commission (SSBPPE)

26. Holly Scheider, Chairperson, SSBPPE Commission

City Vacant Positions

27. Margot Smith

Police Accountability Board, et al

28. Katherine Lee, Interim Director of Police Accountability (2)

Mask Mandate

29. Anne McClintock

30. COVID-19 Information Service, City of Berkeley

31. B. Beekman

UC Berkeley Adding 20,000 Students

32. Margot Smith

Sanctuary City and Motorola

33. B. Beekman

Mats in King Pool Locker Room

34. Katie Calvert

Public Toilets in Front of the People's Park Mural

35. Rachel Neuman

36. Diana Bohn

37. Amy Kimmel

38. Sylvia

39. Harvey Smith

40. Kelly Hammargren

41. Liam Garland, Director of Public Works

42. Carol Denney

43. Carrie Olson

44. Gar Smith

45. Marcia Poole

46. Councilmember Harrison

47. Maris Arnold

48. Deborah Green

49. Lisa Teague

50. Daniella Thompsin

51. Maureen Kildee

52. Lee Altenberg

53. Max Ventura

- 54. Andrea Prichett
- 55. Alan Steinbach

Bayer Healthcare – Public Hearing Notice

- 56. Alene Pearson, on behalf of Planning

URL's Only

- 57. Russbumper (2)
- 58. Vivian Warkentin

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.