

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, November 9, 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 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 the 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/83174462723>. 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: 831 7446 2723. 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. Presentation: Study to Achieve Equity in City Contracting - "Berkeley Inclusion in Opportunity Index"

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. 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, May 25, 2021, July 20, 2021, and September 14, 2021.

Financial Implications: To be determined

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000, Farimah Brown, City Attorney, (510) 981-6950

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 9, 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: \$100,000

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

3. Opt-In to CAA Health and Dependent Care Account Extension for 2020 and 2021 Plan Years and Return 2020 Employee Funds to American Fidelity for Extended Employee Reimbursement Period

From: City Manager

Recommendation: Adopt a Resolution granting authority to extend the 2020 and 2021 timeframes under the Consolidated Appropriations Act (CAA) for employees to be able to access their American Fidelity flexible spending and dependent care account funds for additional time due to the effects of the COVID-19 pandemic on employees' ability to seek medical/child care services eligible for reimbursement under the City's existing Plan. Return approximately \$19,740.84 of 2020 funds forfeited from City employee flexible spending and dependent care accounts back to American Fidelity in order to allow them to process 2020-2021 employee reimbursement claims until December 31, 2021.

Financial Implications: See report

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

Consent Calendar

- 4. Grant Application: Prop 68 – Per Capita and RIRE Grant Programs**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to submit applications to two Proposition 68 parks grant programs, accept grant funds, and execute related grant agreements and any amendments that may be necessary:
1. The Proposition 68 Per Capita Grant Program; and
2. The Proposition 68 RIRE Grant Program.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Revenue Grant: California Office of Traffic Safety (OTS) for the 2022 Selective Traffic Enforcement Program (STEP) Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$180,000 for the period of October 1, 2021 through September 30, 2022, which is Federal Fiscal Year 2022.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 6. Board of Library Trustees Reappointment: Amy Roth**
From: Board of Library Trustees
Recommendation: Adopt a Resolution Approving the Reappointment of Amy Roth to the Board of Library Trustees ("BOLT") for a second term of four years commencing January 4, 2022.
Financial Implications: None
Contact: Tess Mayer, Commission Secretary, (510) 981-6100

Council Consent Items

- 7. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

8. **United Against Hate Week 2021**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor) and Councilmember Wengraf (Co-Sponsor)
Recommendation: 1) Adopt a Resolution declaring November 14th – 20th, 2021 as United Against Hate Week.
2) Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$250 per Councilmember, to Not in Our Town for United Against Hate Week.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
9. **Affordable Housing Overlay** (*Reviewed by the Land Use, Housing & Economic Development Policy Committee*)
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Council refers to the City Manager and the Planning Commission to consider an Affordable Housing Overlay for 100% affordable housing and seek to integrate it into the ongoing Housing Element process in anticipation of the 2023-2031 RHNA cycle. Staff should consider revisions to the zoning code and General Plan, permitting increased height and density for 100% affordable housing developments, including specific consideration of labor and design/form standards, to achieve the underlying goals:
1. Exceeding standards set forth in California Government Code Section 65915 (AB-1763) with additional local height and density incentives, including waivers and modifications similar to those vested in state density bonus law, with ministerial approval for qualifying 100% affordable projects deed-restricted for Low, Very Low, Extremely Low, and Moderate Income households (exclusive of manager's unit) pursuant to AB-1763, and maintaining demolition restrictions consistent with state law, specifying:
 - a. In R3, R4, MU-R, and all C-prefixed zoning districts, a local density bonus (granted in addition to, but not compounding with, any State density bonus[es]) with standards reflective of whatever State density bonus a project would be entitled to under the provisions of AB 1763 (2019), waiving limits on floor area ratio, and permitting up to 80% lot coverage; and study additional incentives in these zones;
 - b. In R-1, R-1A, R-2, and R-2A zones, a local bonus for qualifying projects inclusive of existing density bonuses, waiving limits on floor area ratio, and permitting up to 80% lot coverage; and study project feasibility in these zones;
 - c. Create General Plan amendments that allow for 100% affordable qualifying projects to increase density while avoiding inconsistencies with General Plan densities;
 - d. Skilled and trained workforce standards as defined by SB-7 (Atkins, 2021) for qualifying projects with at least 50,000 square feet of total floor area;
 2. Exempting parcels with Designated City, State, and Federal Historic Landmarks;
 3. Exempting parcels in Very High Fire Hazard Severity Zones (VHFHSZ) as determined by the California Department of Forestry and Fire Protection (CalFire), and in City of Berkeley Fire Zones 2 and 3;

Council Consent Items

4. Develop objective design standards or form-based standards for qualifying projects to receive ministerial approval, including guidelines for architectural details with respect to neighborhood context, massing, and building facades; materials, color, and finishes; open space, public art, and landscaping; circulation and outdoor lighting; 20' average building setback above the fourth floor (or 45') from any property line that is adjacent to a low or low-to-medium residential district; utilities; interiors; financial feasibility, and environmental sustainability, to be implemented with the following provisions:

a. Solicit community input, including through public outreach to be conducted in the Housing Element update process, for design standards that would ensure consistency with the City of Berkeley's architectural quality;

b. Establish an advisory Design Review process through the Design Review Committee (DRC). An applicant may elect to return for advisory comment up to two more times. For projects with fewer than 150 units, the City shall review and approve, based on consistency with objective standards, an affordable housing application within 90 days of submission. After 60 days, the City shall provide the applicant with an exhaustive list of objective standards not met by the project, and how the standards could or should be met. For projects with 150 units or more, these time frames shall be 90 and 180 days, respectively. The time under these provisions will toll between the City's issuance of a letter describing inconsistency with objective standards and the time necessary for the applicant to respond to those items.

Policy Committee Recommendation: On October 7, 2021 the Land Use, Housing & Economic Development policy committee took the following action: M/S/C (Robinson/Hahn) Positive recommendation to approve the item as submitted in supplemental material from the Author; revising the first paragraph of the recommendation to read "Council refers to the City Manager and the Planning Commission to consider an Affordable Housing Overlay for 100% affordable housing and seek to integrate it into the ongoing Housing Element process in anticipation of the 2023-2031 RHNA cycle. Staff should consider revisions to the zoning code and General Plan, permitting increased height and density for 100% affordable housing developments, including specific consideration of labor and design/form standards, to achieve the underlying goals:"; and adding the words "or form-based standards" to bullet 4 of the recommendation.

Financial Implications: See report

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

Council Consent Items

- 10. Budget Referral: Berkeley Ceasefire**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor) and Councilmember Wengraf (Co-Sponsor)
Recommendation: 1. Refer to the Fiscal Year 2023 budget process \$200,000 for consulting costs to develop a Gun Violence Intervention (GVI) program, commonly known as “Operation Ceasefire.”
2. Refer to the City Manager the development of a Gun Violence Intervention program with technical support from experienced consultants solicited by a Request For Proposals (RFP), community service providers including faith groups and violence intervention programs, hospital intervention programs, life coaching programs, Berkeley Housing Authority, Berkeley YouthWorks, Berkeley Police Department, Alameda County Workforce Development Board, Alameda County District Attorney’s Office, Alameda County Probation, California’s Office of the Attorney General, US Attorney’s Office, US Marshals Service, US Department of Justice, and other jurisdictions and agencies in the region as needed; and consider an alternate Urban Gun Violence Disruption Strategy such as the Peacemaker Fellowships program as implemented in the cities of Richmond, Stockton, and Sacramento.
Financial Implications: \$200,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 11. Budget Referral: Strawberry Creek Lodge Food Program**
From: Councilmember Taplin (Author)
Recommendation: Refer to the Annual Appropriations Ordinance (AAO) #1 budget process \$100,000 for the Strawberry Creek Lodge Food Program.
Financial Implications: \$100,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 12. Budget Referral: West Berkeley Residential Preferential Parking (RPP)**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of increased staffing, new enforcement vehicles, and sign installations necessary for the expansion of the Residential Preferential Parking (RPP) Program out of its current boundaries into West Berkeley, in zones to be identified and authorized by the Traffic Division of the Public Works Department, as well as for the enhancement of enforcement in existing RPP zones.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

13. **Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of Berkeley** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution recognizing housing as a human right; refer to the City Manager's office several measures to begin developing social housing in the City of Berkeley. Measures shall include, but not be limited to:
1. Study and report to council on development potential, including density bonuses, for mixed-income housing development starting with the city-owned parcels at 1011 University Ave, and seek information through an RFI or other process on the potential for cross-subsidized limited-equity leasehold and rental models or other social housing development models;
 2. Study and return to council a report and, if feasible, a proposal for a Reparative Justice Revolving Loan Fund with affirmative racial justice and anti-displacement goals in coordination with the city's Small Sites Program, including, but not limited to:
 - a. Providing low-interest loans for tenants, nonprofits, limited-equity co-operatives, and community land trusts to acquire real property; support Low Income Housing Tax Credit (LIHTC) funding; develop and/or maintain mixed-income and permanently affordable housing;
 - b. Funding a Local Operating Subsidies Program to provide permanently affordable housing for Very Low and Extremely Low Income households;
 - c. Leveraging local funds with state and regional partnerships through the Bay Area Housing Finance Agency (BAHFA) with the Association of Bay Area Governments (ABAG), Berkeley Housing Authority, Berkeley Unified School District (BUSD) and BART;
 - d. Consider best practices from other agencies and other partnership opportunities;
 3. Refer to the budget process up to \$300,000 for one or more consultants to study potential social housing models for the City of Berkeley;
 4. Establish a publicly available, user-friendly data dashboard potentially using third-party data visualization tools for monitoring Housing Justice Indicators in the city including, but not limited to:
 - a. State certification of city's Housing Element and progress toward RHNA goals for each income tier in annual Housing Pipeline Reports;
 - b. Housing Element compliance with Affirmatively Furthering Fair Housing (AFFH) rule pursuant to California Government Code Section 65583 and Chapter 15, Section 8899.50 of Division 1 of Title 2, presented with, at a minimum:
Citywide and regional affordability as defined by median rents and home prices as share of one-third of the City of Berkeley and Alameda County's median household income in most recent American Community Survey data;
Local funding and open BMR housing application slots available to meet housing needs of Moderate, Low-, Very Low-, and Extremely Low-Income households;
Anti-displacement metrics using UC Berkeley Displacement Project data and tracking successful applications to affordable housing units in the city using Local Preference policy;

Council Consent Items

Geographic considerations including historic redlining and segregation; Sensitive Communities and High Displacement Risk Areas identified in the 2019 CASA Compact by the Metropolitan Transportation Commission (MTC); and access to economic opportunity as measured by State of California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps;
Any other considerations relevant to AFFH compliance and reparative housing justice.

Policy Committee Recommendation: On June 17, 2021 the Land Use, Housing & Economic Development policy committee took the following action: M/S/C (Hahn/Robinson) Qualified positive recommendation that Council approve the item with amendments formally discussed at the meeting and as follows: 1. Including a budget referral of up to \$300,000 and clarifying that the allocation may include one or more consultants; 2. Amending the staff report to remove the portion under "Rationale for Recommendation" beginning with "In Hawaii, Sen. Chang has opted for a more direct route..." and encompassing footnotes 48, 49, and 50; and 3. Amending the Resolution to include record of the "attendant freedoms and entitlements as enumerated by the United Nations"; removing the portion of the Resolution incorporating a referral to the City Manager; and making typographical changes to the Resolution as agreed to by the Author.

Financial Implications: See report

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

14. Budget Referral: Homeless Outreach Coordinator for South Shattuck Avenue and Adeline Street at 62nd Street

From: Councilmember Bartlett (Author)

Recommendation: Referral to the November Budget Annual Appropriations Ordinance to fund \$200,000 for a Homeless Outreach Coordinator for South Shattuck Avenue at Dwight Way to Adeline Street at 62nd Street.

Financial Implications: \$200,000

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

15. **Letter of Opposition to the Environmental Protection Agency and Oxitec Ltd.'s Proposal to Release Genetically Engineered Mosquitoes in California Counties**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)

Recommendation: That the Mayor and Members of the Berkeley City Council oppose the United States Environmental Protection Agency ("US EPA") and Oxitec Ltd.'s proposal to conduct the world's largest release of genetically engineered ("GE") Aedes Aegypti mosquitoes. The mosquitos are proposed to be released across 12 California counties, which may include: Shasta, Yolo, Sacramento, Alameda, Stanislaus, Fresno, Tulare, Los Angeles, Orange, San Bernardino, and Riverside. The company intends to release several billion of the mosquitoes on 85,000 acres over a 2-year period. The Council should ask the US EPA Administrator Michael Regan, California Environmental Protection Agency ("CalEPA") Secretary Jared Blumenfeld, and Governor Gavin Newsom to deny the experimental use permit ("EUP") application to release genetically engineered mosquitoes across the state. The Council should send letters to State Senator Nancy Skinner, Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Assemblymember Buffy Wicks, and County Supervisor Keith Carson.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

16. **Budget Referral: Solano-Peralta Park restoration and improvements**
From: Councilmember Hahn (Author)

Recommendation: Refer \$50,000 to the November 2021 AAO process for restoration and improvements for the Solano-Peralta Park, located at 1559 Solano Avenue, also bordered by Peralta and Capistrano Avenues

Financial Implications: \$50,000

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

Council Consent Items

17. **Bright Streets to Schools** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)*
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: 1. Complete the work, if necessary, to paint all crosswalks, midlines, bike lanes, and other street markings, clarify and/or improve traffic signage, and paint curbs in areas around Berkeley public schools
2. Conduct an inventory to determine the cost of painting and/or improving crosswalks, midlines, bike lanes, and other street markings, traffic signage, and curbs in areas around City of Berkeley public buildings, including libraries, senior centers, recreation centers, and other facilities with public access and substantial public use, and in high-volume pedestrian areas and commercial districts; and
3. Identify additional funding sources for completing such work.
4. Present general design standards for crosswalks and other street markings, signs, reflectors, bollards and other safety and street markings to ensure consistency and safety the FITES Committee for input and review, and eventual adoption of official patterns and elements to be specified for all new and refreshed streets in Berkeley.
Policy Committee Recommendation: On October 7, 2021 the Facilities, Infrastructure, Transportation, Environment & Sustainability policy committee took the following action: M/S/C (Robinson/Harrison) to send the item, as revised in the supplemental material submitted by Councilmember Hahn, and further revised by the committee to the City Council with a positive recommendation. The committee revised the fourth recommendation to read: Present general design standards for crosswalks and other street markings, signs, reflectors, bollards and other safety and street markings to ensure consistency and safety the FITES Committee for input and review, and eventual adoption of official patterns and elements to be specified for all new and refreshed streets in Berkeley.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
18. **PG&E's Safety Initiative: 10,000 Miles of Undergrounding Power Lines**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the PG&E CEO and Board of Directors recommending that Berkeley's evacuation routes and the two established but yet to be completed Underground Utility Districts in Berkeley's Very High Fire Hazard Severity Zone be considered in the 10,000-mile promise to underground utilities.
Financial Implications: None
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 Hearing

19. **Public Hearing: Administrative Citations and Property Lien at 2800 Garber Street**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution rejecting the property owners' objection to the cost of the administrative fines issued to them for their failure to comply with the City's anti-blight ordinance and building permit requirement, and allowing the special assessment lien on 2800 Garber St. to be recorded as written and approved by the City Manager.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action Calendar – Old Business

20. **Objective Standards Recommendations for Density, Design and Shadows** *(Continued from October 26, 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

Action Calendar – Old Business

21. **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** *(Continued from October 26, 2021)*

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

Action Calendar – Old Business

22. **Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** (*Reviewed by the Agenda & Rules Committee*) (*Continued from October 26, 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

23. **Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley** (*Continued from October 26, 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 contingent on 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

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.*

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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 October 28, 2021.***

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

Mark Numainville, City Clerk

## **Communications – November 9, 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.*

### **Homeless Crimes Against Business'**

1. Tai Yu, owner of Great China Restaurant
2. Hugh, owner of Music Lovers Audio
3. Laura Menard
4. Eric Friedman

**Public Toilet Placement at the People’s Park Mural**

- 5. Pablo Menendez
- 6. Liz Wiener
- 7. Aminta Steinbach
- 8. Christine Schwartz
- 9. Yeshi Neumann
- 10. Miles Perez
- 11. Kathleen Caine
- 12. Jean Hohl

**Automated License Plate Readers (ALRP)**

- 13. Margot Smith
- 14. Diana Bohn
- 15. Elliot Halpern

**Public Security Cameras**

- 16. Cecelia Mautner

**Berkeley Bird Festival**

- 17. Glenn Phillips, on behalf of the Golden Gate Audubon Society

**Native Plant Film**

- 18. Kelly Hammargren

**North Berkeley Senior Center – Investigate and Audit**

- 19. Walter Wood

**1915 Berryman**

- 20. David Kellogg
- 21. Nicholas Armour, Planning and Development
- 22. Mary Telling
- 23. Eric Johnson
- 24. Dorothy Walker

**Eden I&R October 2021 E-Newsletter**

- 25. Eden I&R

**Wireless Radiation**

- 26. Phoebe Anne Sorgen (2)

**Support the Plastic Bag Ordinance**

- 27. 32 similarly-worded form letters

**Zoning**

- 28. Kaye Jacuzzi



**Water Main Break on University**

29. Jack Hlavac, Managing Director of DoubleTree by Hilton Berkeley Marina (2)

**League of Women Voters of Berkeley, Albany and Emeryville – Police Oversight**

30. Katherine Lee, Interim Director of Police Accountability

**Letter of Intent to File a Restraining Order**

31. Yesica Prado and Melissa Cheatwood

**Street Paving**

32. Dan Wohlfeiler

**URL's Only**

33. Vivian Warkentin (2)

**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.