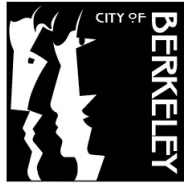


ANNOTATED AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, November 30, 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/82259683632>. 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: **822 5968 3632**. 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

Report from Closed Session

The City Council met in closed session and affirmed the action to register the City of Berkeley to opt into the proposed nationwide settlement agreements that obligate the three largest pharmaceutical distributors (McKesson, Cardinal Health, and AmerisourceBergen) to pay up to \$21 billion over 18 years to affected states and agencies, and manufacturer Janssen Pharmaceuticals (and its parent company Johnson & Johnson) to pay up to \$5 billion over 9 years, for use by states, counties, and cities participating in the settlement to remediate and abate the impacts of the opioid crisis. In addition, the Council authorized the City Attorney to take all necessary actions to participate in the settlements.

Roll Call: 6:04 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourned the Meeting in Memory of Rev. Elizabeth Coleman, McGee Avenue Baptist Church
2. Adjourned the Meeting in Memory of James Peterson, Former Commissioner and Activist
3. Adjourned the Meeting in Memory of John English, Former Commissioner and Activist

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

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

Vote: All Ayes.

Consent Calendar

- 1. Opt-In to Countywide Organics Reduction and Recycling Ordinance**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 7,790-N.S. adding Chapter 12.35 to the Berkeley Municipal Code opting in to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance with an effective date of January 1, 2022. This Ordinance will bring the City into compliance with the regulations of Senate Bill 1383: Short-lived Climate Pollutants Act of 2016.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,790–N.S.
- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of October 5, 2021 (closed and special), October 12, 2021 (closed and regular), October 19, 2021 (special) and October 26, 2021 (closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 3. Grant Approval: San Francisco Foundation support for 100% affordable housing at BART stations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to apply for and if awarded, accept a \$50,000 grant from the San Francisco Foundation to support efforts to make the BART housing projects 100% affordable.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,117–N.S.
- 4. MOU to implement Ronald V. Dellums Fair Chance Access to Housing Ordinance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to effectuate a Memorandum of Understanding (MOU) between the City of Berkeley and the City of Berkeley Rent Stabilization Board (Rent Board) to implement the Ronald V. Dellums Fair Chance Ordinance previously adopted by the Berkeley City Council.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,118–N.S.

Consent Calendar

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 30, 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 - \$340,000

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

Action: Approved recommendation.

6. Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code") to Restore Language Which Existed Prior to October 26, 2021

From: City Manager

Recommendation: 1. Adopt the first reading of an Ordinance rescinding Ordinance 7,788-N.S. which modified the language of Paragraph 'NN.' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code") and which requires the installation of fire sprinklers in certain new structures and the retrofit of fire sprinklers in certain existing structures in Fire Zones 2 and 3 due to additional information presented to City staff, and restore the language of Paragraph 'NN' which existed prior to the October 26, 2021 adoption of Ordinance 7,788-N.S.; 2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code; 3. In compliance with state law on adopting such more restrictive building standards, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 14, 2021.

Financial Implications: None

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

Action: 1. Adopt first reading of Ordinance No. 7,791-N.S. Second reading scheduled for December 14, 2021. 2. Adopted Resolution No. 70,119-N.S.

7. Contract: Blaisdell's Business Products for HHCS Furniture

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Blaisdell's Business Products for new office and classroom furniture for the North Berkeley Senior Center (NBSC). The contract will be in an amount not to exceed \$99,000 for the period January 1, 2022 through June 30, 2022.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 70,120-N.S.

Consent Calendar

- 8. Contract No. 32000094 Amendment: Youth Spirit Artworks Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend contract No. 32000094 with vendor Youth Spirit Artworks (YSA) to provide a variety of mental health and case management supports for Transition Age Youth (TAY) through June 30, 2022 in an amount not to exceed \$527,046. This will extend the existing contract by one year and add \$210,046 in funding.
Financial Implications: Measure P - \$210,046
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,121–N.S.
- 9. Contract No. 32100178 Amendment: California Mental Health Services Authority Help@Hand Participation Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an Amendment to Contract No. 32100178 for the Help@Hand Participation Agreement with the California Mental Health Services Authority (CalMHSA) to increase the amount of local project funds by \$47,999 for a total amount not to exceed \$400,915 through June 30, 2024, and any amendments.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,122–N.S.
- 10. Contract: Community Crisis Response Services**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager or her designee to execute contracts and any amendments or extensions with Alameda County Network of Mental Health Clients (Berkeley Drop-in Center), Options Recovery, and Women’s Daytime Drop-in Center for Community Crisis Response Services, in an amount not to exceed \$1,200,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: 1. Adopted Resolution No. 70,123–N.S. (Berkeley Drop-in Center) 2. Adopted Resolution No. 70,124–N.S. (Options Recovery) 3. Adopted Resolution No. 70,125–N.S. (Women’s Daytime)

Consent Calendar

- 11. Contract: Needle Exchange Emergency Distribution (NEED)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Needle Exchange Emergency Distribution (NEED) 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
Action: Adopted Resolution No. 70,126–N.S.
- 12. Grant Application: Cal Fire Urban and Community Forestry Grant Program (Trees Make Berkeley Better)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a CAL FIRE Urban and Community Forestry tree planting grant application in the amount up to \$1,104,320; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing 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
Action: Adopted Resolution No. 70,127–N.S.
- 13. Berkeley Existing Buildings Electrification Strategy**
From: City Manager
Recommendation: Adopt a Resolution approving the Berkeley Existing Buildings Electrification Strategy, as described in Exhibit A.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 0 speakers. Moved to Action Calendar. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,128–N.S.
Vote: All Ayes.
- 14. Cities Race to Zero Campaign: 2030 emission reduction target**
From: City Manager
Recommendation: Adopt a Resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects Berkeley’s fair share of the 50% global reduction in CO₂e, committing to reduce emissions 60.5% from 2018 levels by 2030.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 70,129–N.S.

Consent Calendar

- 15. Contract No. 112219-1 Amendment: Siemens Industry, Inc. for Fire and Life Safety Systems Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112219-1 with Siemens Industry, Inc. for Fire and Life Safety Systems Maintenance increasing the current contract amount of \$300,000 by \$300,000 for a total not to exceed amount of \$600,000 and extending the term through December 31, 2024.
Financial Implications: Various Funds - \$300,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,130–N.S.
- 16. Contract No. 32100081 Amendment: FirstCarbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100081 with FirstCarbon Solutions, Inc. for the Solid Waste & Recycling Transfer Station Replacement Project to ensure compliance with the California Environmental Quality Act, increasing the current contract amount of \$500,000 by \$150,000 for a total not to exceed amount of \$650,000 and extending the contract term to June 30, 2022.
Financial Implications: Zero Waste Fund - \$150,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,131–N.S.
- 17. Purchase Order: PB Loader Corporation for Two Chipper Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract No. 052417-PBL bid procedures and authorizing the City Manager to execute a purchase order for two Chipper Trucks with PB Loader Corporation in an amount not to exceed \$305,900.
Financial Implications: Equipment Replacement Fund - \$305,900
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,132–N.S.

Council Consent Items

18. **Budget Referral: Berkeley Age-Friendly Continuum**
From: Mayor Arreguin (Author) and Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer \$20,000 to the November 2021 Annual Appropriations Ordinance #1 process for the Berkeley Age-Friendly Continuum.
Financial Implications: General Fund - \$20,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Bartlett added as co-sponsors. Approved recommendation.
19. **Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2024.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,133–N.S.
20. **Budget Referral: Commitment to Habitot Recovery**
From: Councilmember Bartlett (Author), Mayor Arreguin (Author) and Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the AAO#1 Budget Process \$100,000 to support the recovery of Habitot and its many agency partners so it can ramp up to pre-pandemic levels and continue to provide its broad services to young children, their parents, and caregivers, and our communities most vulnerable families.
Financial Implications: \$100,000
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.

Council Consent Items

21. **Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings** *(Reviewed by the Budget & Finance Policy Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: 1. Adopt a Resolution establishing:

- a. a referral to Office of Energy and Sustainable Development (OESD) staff to design and launch a two-year Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program, using pre-qualified contractors meeting minimum labor standards to assist new property owners, renters and existing property owners with transition to zero-carbon plumbing, HVAC, cooking, and related electrical systems, with a preference first for assisting existing affordable housing buildings and assisting households at or below 120% of the Area Median Income; and
 - b. an annual process for the Energy (or successor) Commission and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with community and labor groups, to provide input to staff and Council about eligible categories of fund expenditures to maximize equitable emissions reductions and impacts for eligible households while leaving the mechanisms for doing so to staff discretion.
2. Send copies of the Resolution and letters to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks conveying urgent support for a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for affected workers, including gas utility and extraction workers.
3. Refer to the November, 2021 AAO budget process:
- a. \$1,500,000 of general fund monies from the American Rescue Plan Act allocation and other sources as appropriate as seed funding for the two-year pilot, inclusive of staff costs, for FY 2022.

Policy Committee Recommendation: On November 3, 2021 the Budget & Finance Policy Committee took the following action: M/S/C (Arreguin/Harrison) to send the item to Council with a qualified positive recommendation including the following amendments: Recommendation 2. That part of the recommended funding source is American Rescue Plan dollars and; Recommendation 1a. Modifying the end of the last sentence to “with a preference first for affordable housing projects and assisting households at or below 120% the area median income.”

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: Moved to Action Calendar. 6 speakers. M/S/C (Harrison/Arreguin) to refer the item to the December AAO Budget Process as revised by the Policy Committee recommendation.

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

Action Calendar

**22. Prioritizing Berkeley Unified School District Public Works Service Requests
From: Councilmember Hahn (Author) and Councilmember Harrison (Co-Sponsor)**

Recommendation: Refer to the City Manager to: 1. Work with the Berkeley Unified School District (BUSD) to create a system to better document, communicate, and prioritize Public Works service requests from BUSD schools and facilities; and 2. Establish protocols with BUSD for school principals to coordinate directly with Public Works staff to address school site-related concerns that fall under the City's jurisdiction.

Financial Implications: None

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

Action: Mayor Arreguin and Councilmember Wengraf added as co-sponsors.
Approved recommendation.

23. Budget Referral to City Manager to Improve Pedestrian Safety where Sidewalks are Not Provided

From: Councilmember Wengraf (Author)

Recommendation: Refer to the Mid-Year Annual Appropriations Ordinance Budget Process \$100,000 to implement steps to promote increased safety for pedestrians of all ages, including seniors and children, on streets lacking sidewalks. This item is requesting the installation of signage to minimize pedestrian-vehicular conflict points at uncontrolled intersections, and to increase driver awareness of pedestrian activity by posting speed limit signs and other signage as a means to improving safe pedestrian access to schools, neighborhood parks, USPS mailboxes, and school and AC Transit bus stops in areas without the benefit of sidewalks. In addition, this item requests that the City Manager explore the implementation of AB 43 that allows cities to take the safety of vulnerable users into consideration when setting local speed limits. This item requests that the City Manager exercise her authority under the California Vehicle Code to allow for lowering the speed limit to 15 or 20 mph in residential districts where the roadway is less than 25 feet wide.

Financial Implications: \$100,000

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Councilmembers Droste, Taplin, and Kesarwani added as co-sponsors.
Approved recommendation.

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. 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.

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.

24. Bayer Healthcare LLC – Amended and Restated Development Agreement

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, certify the Final Subsequent Environmental Impact Report, adopt Findings and a Mitigation Monitoring and Reporting Program, and adopt the first reading of an Ordinance to approve the Amended and Restated Development Agreement between the City of Berkeley and Bayer Healthcare LLC.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 21 speakers.
M/S/C (Arreguin/Droste) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Taplin) to adopt first reading of Ordinance No. 7,792–N.S. as revised in Supplemental Communications Packet #1. Second reading scheduled for December 14, 2021.

Vote: All Ayes.

Action Calendar – Public Hearings

25. Amendments to the Berkeley Election Reform Act

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) make public financing available to candidates for the offices of Auditor, School Board Director, and Rent Stabilization Board Commissioner, (2) further clarify the use of Fair Elections funds, (3) clarify the requirements for returning unspent Fair Elections funds, (4) add a new process for requesting return of previously repaid Fair Elections funds, and (5) require the FCPC to make a cost of living adjustment to the contribution limit to candidates in January of each odd-numbered year.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to 1) adopt first reading of Ordinance No. 7,793–N.S. Second reading scheduled for December 14, 2021; and 2) Refer to the Fair Campaign Practices Commission and the City Attorney to analyze and report on increasing the baseline non-public financing contribution limit.

Vote: All Ayes.

Action Calendar – Old Business

26. Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission *(Continued from November 16, 2021)*

From: City Manager

Recommendation: Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks, Recreation, and Waterfront Commission, and repealing Berkeley Municipal Code Chapters 3.27 (Children, Youth, and Recreation Commission) and 3.08 (Berkeley Animal Care Commission).

Financial Implications: See report

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

Action: M/S/C (Droste/Kesarwani) to call for the previous question.

Vote: All Ayes.

Action: M/S/Failed (Harrison/Hahn) to adopt the recommendation amended to remove the Animal Care Commission from the consolidation.

Vote: Ayes – Bartlett, Harrison, Hahn, Arreguin; Noes – Kesarwani, Robinson, Droste; Abstain – Taplin, Wengraf.

Action: 5 speakers. M/S/Carried (Robinson/Droste) to adopt first reading of Ordinance No. 7,794–N.S. Second reading scheduled for December 14, 2021.

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

Action Calendar – New Business

27. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

From: City Manager

Recommendation: Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000, Jennifer Louis, Police, (510) 981-5900

Action: M/S/C (Arreguin/Robinson) to continue Item 27 to the December 14, 2021 special meeting of the City Council including supplemental and revised materials from Councilmember Harrison.

Vote: All Ayes.

Council Action Items

28. Budget Referral: Automated license plate readers for community safety improvement *(Reviewed by the Public Safety Policy Committee)*

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

Recommendation: That the Berkeley City Council take the following actions to enable and deploy tactical technologies in strategic public spaces and the public ROW for the improvement of community safety and determent, intervention, prevention of illegal dumping and/or investigation of violent crime and traffic violations: Authorize the City Manager to install Automatic License Plate Readers (ALPRs) at strategic locations including public facilities, entrances to the city and the public right-of-way in areas impacted by violent crime, traffic violations including infractions pertaining to bicycle and pedestrian safety, illegal dumping, Schedule II drug offenses, and other criminal activity; and refer to the FY 23-24 budget process cost of ALPRs. Refer to the City Manager the development of a policy pursuant and subject to City of Berkeley Surveillance Ordinance and Sanctuary City Contracting Ordinance enabling the use of ALPRs in fixed locations, mobile trailers, and vehicles by the Berkeley Police Department; consider a data retention period of no greater than one year, no less than sixty days to account for reporting lag, and study the feasibility of shorter data retention periods for non-hit scans with final discretion resting with the City Manager; consider comparable and applicable standards in the ALPRs policies of local governments including: the City of Alameda, The city of Emeryville, The City of Hayward, The City of Oakland, The City of Piedmont, The City of Richmond, The City of San Leandro, and The City of Vallejo; and consider provisions to safeguard efficacy against plate counterfitting, plate switching, and other methods of detection evasions.

Policy Committee Recommendation: On November 1, 2021, the Public Safety Policy Committee took the following action: M/S/C (Kesarwani/Bartlett) to refer the item to Council with a qualified positive recommendation of the item to reflect the Policy Committee's desire for consideration of the costs and benefits of this proposed expenditure against other public safety investments in the two-year FY 2022-23 & 2023-24 budget and the need to first develop a policy related to addressing data retention and other issues in accordance with the City of Berkeley Surveillance Ordinance and Sanctuary City Contracting Ordinance.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 11:50 p.m.

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

Action: M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 12:15 a.m.

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

Councilmember Harrison absent 11:47 p.m. – 11:49 p.m.

Action: M/S/C (Taplin/Droste) to call for the previous question.

Vote: Ayes – Kesarwani, Taplin, Wengraf, Robinson, Droste, Arreguin; Noes – Bartlett, Harrison, Hahn.

Action: 35 speakers. M/S/C (Taplin/Droste) to approve the Policy Committee recommendation for Item 28.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison; Abstain – Hahn.

Information Reports

29. City Council Short Term Referral Process – Quarterly Update

From: City Manager

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

Action: Received and filed.

30. FY 2021 Fourth Quarter Investment Report: Ended June 30, 2021

From: City Manager

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

Action: Referred to the Budget & Finance Committee.

31. Condominium Conversion Program – Annual Report

From: City Manager

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Received and filed.

32. Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory

From: City Manager

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

Action: Referred to the Agenda & Rules Committee for future scheduling.

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

Adjournment

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

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

Adjourned at 12:13 a.m.

Communications – November 30

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.

Item #13: Berkeley Existing Buildings Electrification Strategy

1. Daniel Tahara

Item #24: Bayer Healthcare LLC – Amended and Restated Development Agreement

2. Beth Roessner, on behalf of the Berkeley Chamber of Commerce
3. Minda Berbeco
4. Kathleen Crandall
5. Sheroza Haniff, on behalf of the Alameda County Workforce Development Board
6. Katelyn Burns
7. Sara Webber, on behalf of the Berkeley Food Network
8. Nico Nagle, on behalf of the Housing Action Coalition
9. Andrea Ali, owner Guerilla Café
10. Ajit Smith-Iyer
11. Jim Wunderman, on behalf of the Bay Area Council
12. Lindsay Kempf
13. Alejandra Tapia
14. Anabel Fredman
15. Sophia Padron Vos
16. Miguel Piedra Montano
17. Ahmed Akbar
18. Teresa Barnett, on behalf of Community Resources for Science
19. Lauren Rawlins
20. Stephen Baiter, on behalf of East Bay Economic Development Alliance
21. Sherry Smith, on behalf of Berkeley Community Scholars
22. Anshdeep Chhabra
23. Chamroen Eng
24. Willis Hon
25. Lynda Gayden, on behalf of the Board of Directors of Biotech Partners (2)
26. Rob Stoker, on behalf of the Alameda County Building and Construction Trades Council

Item #27: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

27. Oren Cheyette

BART Housing

- 28. Louise Rosenkrantz
- 29. Mathew Lewis
- 30. Linda Franklin
- 31. David Brandon
- 32. Carla Woodworth
- 33. Charlene Woodcock
- 34. Margot Smith (2)
- 35. Serena Lim
- 36. Rhonda Grossman
- 37. Suzanne McMillan
- 38. Lindsay Dixon
- 39. Carolyn McMillan
- 40. Deborah Mathews
- 41. Barbara Fisher

Plastic Bag Ordinance

42. 3 similarly-worded from letters

People's Park

43. Russbumper

Homeless People Treatment

44. Diana Bohn

Berkeley Police Department Budget

45. Diana Bohn

Voluntary Dismissal of Dominquez et al Lawsuit

46. Melisa Cheatwood

Climate Change

47. Thomas Lord (4)

Electric Vehicle Charging Station Solicitation

48. Sage Feiler

COVID-19 Related Issues

49. Todd Andrew

Berkeley City Council Meeting Statement

50. Katy Scott-Smith

Hopkins Corridor

51. Bill Hickman

Rent Relief Program

52. Human Welfare and Community Action Commission

Vision Zero

53. Arvind Ramesh

54. Kristina Monakhova

55. Leo Vacher

Fighting Crime in Berkeley

56. Robyn Chen

57. Melanie Beasley, on behalf of the City Manager's Office

No Development at Aquatic Park

58. Charlene Woodcock

Street Paving

59. David Fisher

60. Jenifer Steele

61. Arthur Ogus

62. Judy Grether

Genetically Modified Mosquitoes

63. Erick Zavala

64. Robert Swanson

65. Mary Jill Seibel

66. Jaydee Hanson

Encrypted Police Radios

67. Sylvia

Solar Access

68. Pamela Drake

Social Housing

69. gvalentine@

Public Security Cameras

70. Oren Cheyette

Single-Family Homes Floor Area Ratio

71. Drake Zinns

Berkeley is Least Affordable Mid-Sized City

72. Margot Smith

Timeline to Enforce City Ordinance – Homelessness

73. Sam Kang

74. Michael Dillingham (2)

75. Laura Menard (2)

76. Lila Sklar

77. Adena Ishii

78. Olivia Wright

Porta Potty Owned by United Company

79. Debora Greene

Supplemental Communications and Reports 1

Item #20: Budget Referral: Commitment to Habitat Recovery

80. Michelle Hirsch

81. Johanna Silver

82. Jessica Fain

83. Lyn Berry

84. Martha Richards

85. David and Reed Keyes

Item 23: Budget Referral to City Manager to Improve Pedestrian Safety where Sidewalks are Not Provided

86. 11 similarly-worded form letters

87. Amer Dhanoa

88. Ellen Archilla

89. Monique Webster

90. Rod Richardson

91. Kay Licina

92. Hilary Roberts

93. Kaethe Weingarten

94. Ben Shemuel

95. Anna Avellar

96. Walter Geist

97. Paul Litsky

98. Russ Mitchell

Item #24: Bayer Healthcare LLC – Amended and Restated Development Agreement

99. Revised material, submitted by Planning

100. Richard Taylor

101. Justin Hayes

102. Tam Le

103. Mitzy De La Pena Medina, on behalf of Biocom California

104. Jessica Hays, on behalf of Bayer U.S. LLC

Item #26: Commission Reorganization: Creating the Parks, Recreation and Waterfront Commission

105. Michael Colbruno, on behalf of the East Bay Animal Pac

Item #27: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

106. Revised material, submitted by Councilmember Harrison

107. Andrew Guenther

108. Angela Powlen

Supplemental Communications and Reports 2

Item #20: Budget Referral: Commitment to Habitat Recovery

109. Amanda Posner, Darryl Collins, Rosie & Julian Collins

Item #23: Budget Referral to City Manager to Improve Pedestrian Safety where Sidewalks are Not Provided

110. 28 similarly-worded form letters

111. Bob Flasher

112. Alan Cohen

113. Hank Reekers

114. Joan Guilford Jackson

115. Doug Giancoli

116. Katherine Woodward Thomas

117. SB Master

118. Sandra Giachino

119. Sara Sanderson

120. Lynn White

121. John Blaustein

122. Lina and Jen-Luc Lamirande

123. Robert Dering

124. Richard Hackenberg

125. David Spinner

126. Mike Rubin & Jenniffer Hamilton

127. Stefano Schiavon & Liliana Cardile

128. Maria Sakovich

129. Gary Forbes

130. Maya Trilling

131. Donna Rosenthal

132. Swati Agarwal

133. Rachel Biale

134. Les Guliasi

135. Svetlana Livdan

136. Thomas Hutcheson & Frederique Wynberg

Item #24: Bayer Healthcare LLC – Amended and Restated Development Agreement

- 137. Matthew Miyazaki
- 138. Edgar Alonzo
- 139. Phil Capitolo

Item #25: Amendments to the Berkeley Election Reform Act

- 140. ACLU of Northern California, Bay Rising, Maplight

Item #26: Commission Reorganization: Creating the Parks, Recreation and Waterfront Commission

- 141. Naomi Friedman
- 142. Christina Tworek
- 143. East Bay Animal PAC

Item #27: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

- 144. Revised material submitted by Councilmember Kate Harrison

Item #28: Budget Referral: Automated license plate readers for community safety improvement

- 145. 23 similarly-worded form letters
- 146. Diana Bohn
- 147. Kitt Saginor
- 148. Diana
- 149. Kitty Calavita
- 150. Elliott Halpern/ACLU Berkeley/NorthEast Bay Chapter

Supplemental Communications and Reports 3

Item #21: Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

- 151. Nicole Goehring, on behalf of Associated Builders and Contractors, Inc. Northern California Chapter

Item #22: Prioritizing Berkeley Unified School District Public Works Service Requests

- 152. Yishai Boyarin

Item #23: Budget Referral to City Manager to Improve Pedestrian Safety where Sidewalks are Not Provided

- 153. Kyle Schriener
- 154. Susie Dickson
- 155. Monika, David, Alina, and Shannon Eisenbud
- 156. Bami Greene

157. Howard Hertz
158. Bruce Brody
159. Jean Krois
160. Gary Wolf
161. Barryett Enge

Item #24: Bayer Healthcare LLC – Amended and Restated Development Agreement

162. Geoffrey Lomax
163. Larry Goodman
164. Presentation, submitted by Planning

Item #26: Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission

165. Dianne Sequoia
166. Elaine Lee

Item #28: Budget Referral: Automated license plate readers for community safety improvement

167. 21 similarly-worded letters
168. Sally Nelson
169. Thomas Luce
170. Elana Auerbach (2)
171. Charlene Washington
172. Jack Kurzwell
173. Josh Buswell-Charkow
174. Andrew Gilbert
175. Kenneth Berland
176. Catherine Huchting
177. Peter Klatt
178. Laurie Captelli
179. Joe Kewekordes
180. Nritkaar Dhesi
181. Sarah Deeds
182. Tom Lent
183. Kyra Stubbotin and Henry Siegel
184. Pam
185. Alexandra Crisafulli
186. John Beaulaurier
187. Chip Harley
188. Anna Natille
189. Todd Andrew (3)
190. Gene Millstein
191. Jeff Vincent
192. Shannon Prokup
193. Linda Elkin
194. Rachel Schiff
195. Eric Angress

196. Eric Friedman
197. Bruce Feingold
198. Tracy McBride
199. Maryann OSullivan
200. Wilma Wyss
201. Kim Marklson
202. Nicole Chabot
203. Laurel Kuchinsky
204. Steve Berger
205. Steve Masover
206. E.J. Holowicki
207. Deborah Trillia
208. Robert Cohen
209. Karen Hemphill
210. Diana Bohn (2)
211. Barbara O'Hay
212. Michael A. Rodriguez
213. Lynn Signorelli
214. Diana
215. Rena Fischer
216. Sally Williams
217. Bob Hatheway
218. Kristina
219. Melissa Kachura
220. Dave
221. Brian Hofer
222. Councilmember Kate Harrison
223. Robert Glantz
224. Maggie
225. Murray Bruce
226. R. Gable