

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 20, 2021**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84640742374>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **846 4074 2374**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*To submit an e-mail comment during the meeting to be read aloud during public comment, email [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

*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.*

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

## **Preliminary Matters**

**Roll Call:** 6:03 p.m.

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

**Absent:** Bartlett, Droste

Councilmember Bartlett present at 6:05 p.m.

Councilmember Droste present at 6:17 p.m.

### **Ceremonial Matters:**

1. Recognition of Victims' Rights Week
2. Recognition of Dimitri Belser, Berkeley Community Leader
3. Adjourned in Memory of Dale Jensen, Community Activist
4. Adjourned in Memory of Al Young, Local Writer and Former California Poet Laureate
5. Adjourned in Memory of Julia Lippman, Berkeley Resident and Activist

### **City Manager Comments:**

Recognition of Fire Chief David Brannigan.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## **Consent Calendar**

**Action:** M/S/C (Arreguin/Wengraf) to accept revised material from Parks, Recreation and Waterfront on Item 16 and to accept supplemental material from Councilmember Bartlett on Item 27.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 23 speakers.

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

**Vote:** All Ayes.

## Recess Items

- 1. Addition of Subcontractors to Robert E. Boyer Construction, Inc. Contract No. 32000230**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to add the following subcontractors to Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the construction of the Berkeley Tuolumne Camp Project (“Project”): Morrison Home Improvement, John Losoya Construction, Inc., and Dave Smith Construction, Inc.; and approving the finding that this action is necessary to mitigate the impact of significant labor shortages resulting from the effects of COVID-19 on the Project.  
**Financial Implications:** None  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,788–N.S.
- 2. Increase of Authorized Funding: Contact No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$2,245,726 to \$2,495,726 for rental of the property at 841 Folger Street/3000 Seventh Street.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Jen Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 69,789–N.S.

## Consent Calendar

- 3. Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,757-N.S. amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted second reading of Ordinance No. 7,757–N.S.

## Consent Calendar

### 4. Measure T1 Loan

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to loan \$1,500,000 from the Capital Improvement Fund to the Measure T1 Fund in FY 2021 to complete Phase 1 projects and appropriate funds to repay this loan and previous loans from the Parks Tax Fund, Measure BB - Local Streets & Roads Fund, and Mental Health Realignment Fund from Phase 2 Measure T1 bond proceeds once they become available.

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

**Action:** Adopted Resolution No. 69,790–N.S.

### 5. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the council meetings of March 1, 2021 (closed), March 9, 2021 (regular), March 16, 2021 (closed and special), March 23, 2021 (regular), March 25, 2021 (special), March 29, 2021 (closed) and March 30, 2021 (closed and regular).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

### 6. Contract No. 9236 Amendment: Freitas Landscaping and Maintenance for Landscaping Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend contract number 9236 with Freitas Landscaping and Maintenance for landscaping services at the Berkeley Animal Shelter at Dona Spring Animal Shelter by adding \$25,000 through fiscal year 2024, increasing the total contract to \$74,000 pending budget approval in fiscal years 2022-2024.

**Financial Implications:** General Fund - \$25,000

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

**Action:** Adopted Resolution No. 69,791–N.S.

### 7. Contract No. 105938-1 Amendment: Koefran Industries for Animal Disposal Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to extend and increase the current contract with Koefran Industries to remove and dispose of deceased animals for Berkeley Animal Care Services (BACS). The increase will be an additional \$110,000 through June 30, 2026, for a total contract amount not to exceed \$231,600 and subject to the City's Annual Appropriation Process.

**Financial Implications:** General Fund - \$110,000

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

**Action:** Adopted Resolution No. 69,792–N.S.

## Consent Calendar

- 8. Contract No. 32100053 Amendment: Orsolya Kuti, DVM for services at the Dona Spring Animal Shelter**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 3210053 with Orsolya Kuti, DVM adding \$4,800 to provide free spay and neuter surgeries at the Dona Spring Animal Shelter to eligible low/no-income and homeless pet owners who reside in Berkeley, Albany, Emeryville or Piedmont. Authorize the receipt of additional donations up to a total of \$40,000 over the three year period of FY 2021, FY2022 and FY2023, for a total contract amount not to exceed \$220,000.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,793–N.S.
- 9. Contract No. 32100022 Amendment: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100022 with Michael Arcega for additional artwork elements costing up to \$9,936 for a total contract amount not to exceed \$219,936. This is for the public art commission project located at San Pablo Park and funded by Measure T1.  
**Financial Implications:** Measure T1 Public Art Fund - \$9,936  
**Contact:** Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 69,794–N.S.
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 20, 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:** \$1,581,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 11. Predevelopment Funding Recommendations: 2024 Ashby Avenue and 1708 Harmon Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Reserving predevelopment funding in the amount of: a) \$1,198,960 for Community Housing Development Corporation/St. Paul AME's new construction development of affordable housing at 2024 Ashby Avenue; and b) \$1,056,400 for Community Housing Development Corporation/Ephesians Church of God in Christ (ECOGIC)'s new construction development of affordable housing at 1708 Harmon Street; and 2. Authorizing the City Manager, or her designee, to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,795–N.S.
- 12. Revenue Contract: Alameda County Behavioral Health Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement for through June 30, 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,796–N.S.
- 13. Shelter Plus Care Program Renewal Grants**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from the U.S. Department of Housing and Urban Development (HUD): a) \$4,124,485 for the Supportive Housing Collaborative for the period June 1, 2021 through May 31, 2022; b) \$2,411,026 for the COACH Project grant for the period of January 1, 2022 through December 31, 2022; and 2. One grant from the County of Alameda for \$881,046 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled. Some assistance may be further extended to individuals' families as part of the supported household on an individual case by case basis for the period of March 1, 2021 through February 28, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,797–N.S.

## Consent Calendar

14. **Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$160,562 for a total amount not to exceed of \$6,066,230.  
**Financial Implications:** Parks Tax Fund - \$160,562  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,798–N.S.
15. **Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$125,000 for an amended total amount not to exceed \$2,094,056.  
**Financial Implications:** Parks Tax Fund - \$125,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,799–N.S.
16. **Contract: ERA Construction Inc. for King School Park Play Area Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the King School Park Play Area Renovation Project, Specification No. 21-11435-C; 2. Rejecting the lowest bid from Kompan California Inc. as non-responsive; 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction Inc.; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction Inc. for the King School Park Play Area Renovation Project at 1700 Hopkins Street, Berkeley, CA 94702, in an amount not to exceed \$650,438, which includes a contract amount of \$542,032 and a 20% contingency in the amount of \$108,406.  
**Financial Implications:** Parks Tax Fund - \$650,438  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,800–N.S. as revised in the supplemental material received at the meeting from the Parks, Recreation and Waterfront Department.

## Consent Calendar

17. **Contract: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project (Bid Specification No. 20-11388-C); 2. Accepting the bid of O.C. Jones & Sons, Inc. as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with O.C. Jones & Sons, Inc., for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project, in an amount not to exceed \$6,175,186, which includes a contract amount of \$5,369,727 and a 15% contingency in the amount of \$805,459.  
**Financial Implications:** Various Funds - \$6,175,186  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,801–N.S.
18. **Grant Application: California Proposition 68 Statewide Parks Program for New Park Development at Selected Santa Fe Right-of-Way Parcels**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; 2. Accept any grants; 3. Execute any resulting grant agreements and any amendments; and 4. 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. 69,802–N.S.
19. **Recommendation to Incorporate Hate Crimes Against Persons with Homeless Status in Improving Hate Crime Reporting and Response**  
**From: Homeless Commission**  
**Recommendation:** That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400  
**Action:** Approved recommendation.



## Consent Calendar

**20. Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing**

**From: Measure O Bond Oversight Committee**

**Recommendation:** Adopt a Resolution to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a Berkeley Unified School District (BUSD)-employee housing development sponsored by the BUSD, to be funded from Measure O Bond funds, relying on the City's Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).

**Financial Implications:** See report

Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

**Action:** Adopted Resolution No. 69,803–N.S. as revised in Supplemental Communications Packet #1 from the Health, Housing, and Community Services Department.

## Council Consent Items

**21. Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal years 2021 (FY21) and 2022 (FY22), in the amount of \$171,330 for FY21 and \$171,330 for FY22. Increasing the contract value by \$372,660 which includes a \$30,000 contingency for new regulatory reporting including the Measure T1 Audit. This will increase the contract value from \$1,243,896 to \$1,616,556 for the period May 6, 2020 to June 30, 2023.

**Financial Implications:** Various Funds - \$372,660

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

**Action:** Adopted Resolution No. 69,804–N.S.

**22. Budget Referral: Remediation Plan for Lawn Bowling Green and North Bowling Green**

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

**Recommendation:** Refer to the budget process the development of a remediation plan, with further testing and cost estimate, for the Berkeley Lawn Bowling Green at 2270 Acton Street and the North Bowling Green at 1324 Allston Way.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

## Council Consent Items

- 23. Support for AB 1401: Parking Reform**  
**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Laura Friedman, State Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1401, which would eliminate parking requirements for housing and commercial buildings near transit and in low-VMT areas.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Droste and Mayor Arreguin added as co-sponsors. Approved recommendation.
- 24. Support for SB-519: Controlled Substances**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter of support for Senator Wiener’s Senate Bill 519, which would decriminalize psilocybin, psilocyn, MDMA, DMT, ketamine, mescaline, and ibogaine; expunge criminal records for use and possession of these substances; and establish a commission to provide recommendations to the state legislature on therapeutic uses.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 25. Urge the AC Transit Board of Directors to Restore the 80-Ashby/Sixth Street Bus Line**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to the AC Transit Board of Directors urging the restoration of the 80-Ashby/Sixth Street bus line to its pre-pandemic level of service.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Droste added as a co-sponsor. Approved recommendation.
- 26. Letter in Support of AB 816 “State and Local Agencies: Homelessness Plan”**  
**From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** That the Mayor of Berkeley and Members of City Council supports AB 816 “State and Local Agencies: Homelessness Plan” by sending a letter of support to Assemblymember David Chiu, State Senator Nancy Skinner, and Assemblymember Buffy Wicks to express the City of Berkeley’s support for AB 816.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation.

## Council Consent Items

27. **Letter of Opposition to the Federal Aviation Administration’s Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**  
**From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** That the Mayor of Berkeley and Members of the City Council oppose the Federal Aviation Administration’s (FAA) proposal to re-route commercial airline traffic (the WNSDR arrival flight path to Oakland International Airport) directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany beginning in October 2021. The Council should send letters to Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, US Secretary of Transportation Pete Buttigieg, the FAA’s Western Pacific Regional Director, Raquel Girvin, and the Oakland Airport Community Management Noise Forum facilitator, Mike McClintock.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation including supplemental material received at the meeting from Councilmember Bartlett.
28. **Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**  
**From: Councilmember Harrison (Author), Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Senate Bill 271, the Sheriff Democracy and Diversity act, to allow for more diverse and democratic Sheriff elections. Send copies of the resolution to Governor Newsom and State Senator Scott Wiener.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 69,805–N.S.
29. **Support for AB 1199: Homes for Families and Corporate Monopoly Transparency Excise Tax**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a Resolution proclaiming support for AB 1199, including support for the legislation in the 2020-2021 State Legislative Program, and sending copies of a letter to Assemblymember Mike Gipson, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1199, which would create a database of rental properties, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 69,806–N.S.

## Council Consent Items

- 30. Budget Referral: Solano Avenue Revitalization Plan**  
**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer up to \$300,000 to the FY2022-FY2023 Budget Process for the development of a two-part Solano Avenue “Master” Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany’s mid-corridor Solano Avenue Reconfiguration Plan.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation.
- 31. Personal Liability Protection for Small Businesses Impacted by COVID-19**  
**From: Councilmember Hahn (Author)**  
**Recommendation:**  
1. Adopt an urgency ordinance adding Berkeley Municipal Code (BMC) Chapter 13.113, relating to personal liability in commercial leases during the COVID-19 pandemic; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, in order to protect the health, safety, and economic wellbeing of the people of Berkeley.  
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** 1. Adopt Urgency Ordinance No. 7,758-N.S. 2. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn.
- 32. Support for AB 455: Bay Bridge Transit-Only Lane**  
**From: Councilmember Robinson (Author), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 455, which would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmembers Taplin and Harrison added as co-sponsors. Approved recommendation.

## Action Calendar – New Business

### 33. City Council Rules of Procedure and Order Revisions

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** M/S/C (Arreguin/Harrison) to accept supplemental material from Councilmember Taplin on Item 33.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to call the question on Item 33.

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

**Action:** 15 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,807–N.S. as revised in Supplemental Communications Packet #2 from Councilmember Hahn, further amended to change the sunset date to July 28, 2021. Additional direction provided to the City Manager to re-agendize the item for the July 27, 2021 for Council to decide whether to extend the temporary policy.

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

## Council Action Items

- 34. Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality**  
**From: Councilmember Davila (Author)** *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*  
**Recommendation:**  
1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.  
2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
*Policy Committee Recommendation: Forward the item to Council with a negative recommendation given that there are a number of questions as to some of the points of the resolution including the purview of the Legislature, legal questions, and feasibility. The Committee recommends that the Council refer to the Public Safety Committee to consider the state Police Officer's Bill of Rights and possible subsequent action by the City Council. Further, that the office of Councilmember Taplin will look into specific state bills on police reform and public safety issues to determine which bills warrant a letter of support from the City Council.*  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Moved to Consent Calendar to adopt the recommendation of the Health, Life Enrichment, Equity and Community Committee.
- 35. Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property**  
**From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.  
**Financial Implications:** Staff time  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Councilmember Wengraf added as a co-sponsor. Moved to Consent Calendar and amended to include a referral to the Planning Commission to explore the inclusion of skilled and trained workforce provision in SB 7 and the Berkeley Municipal Code.
- 36. \*\*\*Removed from Agenda by Councilmember Taplin\*\*\* Local Parks Option for the Percentage for Public Art on Private Projects**  
**From: Councilmember Taplin (Author)**  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Action Items

37. **Refer to the City Manager to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the City Manager to prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Wengraf added as a co-sponsor. Moved to Consent Calendar.

## Information Reports

38. **Civic Arts Commission Annual Work Plan 2021**  
**From: Civic Arts Commission**  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
**Action:** Received and filed.
39. **Community Health Commission 2021 Work Plan**  
**From: Community Health Commission**  
Contact: Roberto Terrones, Commission Secretary, (510) 981-5400  
**Action:** Received and filed.
40. **Disaster and Fire Safety Commission Work Plan 2021**  
**From: Disaster and Fire Safety Commission**  
Contact: Keith May, Commission Secretary, (510) 981-3473  
**Action:** Received and filed.
41. **Measure O Bond Oversight Committee Work Plan FY 2021**  
**From: Measure O Bond Oversight Committee**  
Contact: Jenny Wyant, Commission Secretary, (510) 981-5400  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 5 speakers.**

## Adjournment

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

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

Councilmember Droste absent 9:58 p.m. – 10:02 p.m.

Adjourned at 10:02 p.m.

## **Communications**

### **Transient Occupancy Tax Allocated to the Marina Fund**

1. Gordon Wozniak

### **Illegal Encampment at the Telegraph-Channing Mall**

2. Kirstie Bennett, Jeffrey Goldberg and Chelsea Bennet Whitney, on behalf of the Shops at Telegraph-Channing Mall

### **Gilman and the I-80 Interchange**

3. David Lerman
4. Carol Crossley, on behalf of the Alameda County Transportation Commission

### **Hopkins Street Parking**

5. Merle Weiner
6. Carol Hirth
7. Jan Austerlitz
8. Councilmember Hahn (2)
9. Friends of Five Creeks
10. Farid Javandel, on behalf of the City of Berkeley
11. David Lerman
12. Julie Ross
13. David Pope

### **Berkeley Asphalt**

14. Mike Perlmutter, on behalf of Clean AIR Berkeley (3)
15. Melanie McLean, on behalf of the City Manager

### **5G + Cell Antennas**

16. Max Ventura (2)
17. Gene Herman
18. Frances Hillyard

### **Homelessness**

19. Kai Horng
20. Jamie Greenblatt (2)
21. Kristen Barneich
22. Kathy Krebs
23. Chris Ahoy, on behalf of the Berkeley Rotary Club

### **Bicycle and Pedestrian Safety**

24. Ed Reid
25. Beatriz Motta
26. Aviv Schifrin
27. Tom Lent
28. Bhima Sheridan



- 29. Sean McLaughlin
- 30. Noah Budnick (2)
- 31. Councilmember Taplin
- 32. Teresa Clarke
- 33. Elise Brewster
- 34. Dana Hymel
- 35. MaryAnn Furda
- 36. David Lerman
- 37. Jeffrey Black
- 38. Katy Love

### **Robberies near Ellsworth**

- 39. Sabina McMurtry
- 40. Kris Muller
- 41. Sally Hughes
- 42. Carol Ness
- 43. Councilmember Robinson

### **Vaccinations**

- 44. Gerald Maxey
- 45. City of Berkeley COVID-19 Information Services
- 46. Bryce Nesbitt
- 47. Linda Franklin

### **Redistricting**

- 48. Dona Bretherick
- 49. Councilmember Taplin
- 50. Mark Numainville, City Clerk

### **Zoning and Housing**

- 51. Avram Gur Arye
- 52. Susan Kirsch
- 53. Diana Bohn
- 54. Livable California
- 55. Christopher Hudson
- 56. Sally Hindman
- 57. Curry Barber
- 58. Linda Maio
- 59. Barbara Gilbert

### **Green Monday**

- 60. Nilang Gor (2)
- 61. Melanie McLean, on behalf of the City of Berkeley

### **School Reopening's**

- 62. Maxine Skaggs Kennedy

**Nuclear Ban Treaty**

63. Gar Smith

**Cal Sailing Considerations for the Berkeley Marina Area Specific Plan (BMASP) Project**

64. Camille Antinori, on behalf of Cal Sailing

**Stop Asian Hate Demonstration**

65. Jennifer Rose

**Cesar Chavez Park Conservancy Grant**

66. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

**Marijuana and Tobacco Smoke in Multi-Unit Housing**

67. Carol Denney

**National Crime Victims' Rights Week Proclamation Request**

68. Michelle Joya, on behalf of the Alameda County District Attorney's Office

**Milk Condition**

69. Phil Allen

**ZAB Use Permit for 3031 Telegraph Avenue**

70. Steve Medbery

**1900 Fourth Street Fencing**

71. Stephanie Manning

**Climate Emergency**

72. Thomas Lord

**Support Rooftop Solar**

73. Kathleen Giustino (2)

**PRC and Hiring a New Chief of Police**

74. Katherine Lee, on behalf of the Police Review Commission

**Police Violence**

75. Ris Coto

76. Shellie Wharton

**Quake Scenario Exercise**

77. David Peattie

**On-Demand Mobile App**

78. Sandy

**BART Housing Development**

- 79. 11 similarly-worded form letters (BART Development)
- 80. 37 similarly-worded form letters (North Berkeley BART Development)
- 81. Laura Stevens
- 82. Forest Kaser
- 83. Toni Casal
- 84. Vicki Sommer (3)
- 85. Stephen Sperber and Roberta Silverstein
- 86. Eric Johnson (2)
- 87. Leah Levy
- 88. Chimey Lee
- 89. David Brandon
- 90. Albert Buixade Farre
- 91. Serena Lim and Family
- 92. Mariko Nobori
- 93. Todd Jailer
- 94. Friends of Adeline
- 95. Anna Cederstav
- 96. Tom Athanasiou and Rachel Sommerville
- 97. Janet Byron
- 98. Randy Shaw
- 99. Lee Bishop
- 100. Stephen Dalton
- 101. Robin Henke
- 102. Elie Hassenfeld
- 103. Jenny Johnston
- 104. Nritkaar Dhesi
- 105. David Brandon

**URL's Only**

- 106. 11 russbumper
- 107. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #20: Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing**

- 108. Supplemental materials, submitted by Health, Housing & Community Services

**Item #30: Budget Referral: Solano Avenue Revitalization Plan**

- 109. Ray Yep
- 110. Cheryl and Toby Lou
- 111. David Peattie
- 112. Esther Hill
- 113. Pam Zelnik

114. Valerie Hambas
115. Hildy Revenaugh
116. Franco
117. Valerie Hambas
118. Elizabeth Sklut
119. Christine Mewha
120. Molly Couto
121. Judy Logan

## **Supplemental Communications and Reports 2**

### **Item #20: Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing**

122. Human Welfare and Community Action Commission

### **Item #27: Letter of Opposition to the Federal Aviation Administration's Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**

123. 100 similarly-worded form letters
124. Sally Nelson
125. Alice Rosenthal
126. Megan Finaly
127. Susan Calico
128. Mary Prophet
129. Kirsten Benjamin
130. Bob Martin
131. Jill Anthes
132. Gwen Allamby
133. Ann Einstein

### **Item #31: Personal Liability Protections for Small Businesses Impacted by COVID-19**

134. Supplemental material, submitted by Councilmember Hahn

### **Item 33: City Council Rules of Procedures and Order Revisions**

135. Supplemental material, submitted by Councilmember Hahn
136. 8 similarly-worded form letters
137. Gregory Kalkanis
138. Democratic Club of Cal

## **Supplemental Communications and Reports 3**

### **Item #16: Contract: ERA Construction Inc. for King School Park Play Area Renovation Project**

139. Revised material, submitted by Parks, Recreation & Waterfront

**Item #27: Letter of Opposition to the Federal Aviation Administration's Proposal to Shift the WND SR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**

140. Supplemental material, submitted by Councilmember Bartlett
141. 63 similarly-worded form letters
142. Phil Allen
143. Wini Williams
144. John Haptas
145. Janet Cole
146. Sloane Morgan
147. Pamela Michaud
148. Adam Dawson
149. Maxina Ventura
150. W.K. Seely
151. Igor Tregub
152. Michael Smith
153. Jesse McFarland
154. Frances Schultz
155. Jeff Hoffman
156. Sarah Garrett

**Item #28: Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**

157. Sally Nelson
158. Judith Stacey
159. Sharon Rose

**Item 33: City Council Rules of Procedures and Order Revisions**

160. Supplemental material, submitted by Councilmember Taplin
161. 6 similarly-worded form letters
162. Judy MacLean
163. Ruth Learn
164. Andrea Mullarkey (2)
165. Elizabeth Grubb (2)
166. John Smith
167. Berkeley Tenants Union
168. Chimey Lee
169. Jack Green