

ANNOTATED 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

Report from Closed Session

City Council met in closed session on November 9, 2021, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise & Release agreement, as to a workers' compensation matter WCAB case #ADJ13367461.

Roll Call: 6:07 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourned the Meeting in Memory of Alameda County Supervisor Wilma Chan
2. Adjourned the Meeting in Memory of Mary Everett, Local Restaurateur

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 13 speakers.

Action: M/S/C (Arreguin/Taplin) to adopt a temporary rule for the meeting to limit public speaking time to one minute except as required for the public hearing.

Vote: All Ayes.

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

Vote: All Ayes.

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: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000, Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,092–N.S.
- 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
Action: Approved recommendation.
- 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
Action: Adopted Resolution No. 70,093–N.S.

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
Action: 1. Adopted Resolution No. 70,094–N.S. (Per Capita) 2. Adopted Resolution No. 70,095–N.S. (RIRE)
- 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
Action: Adopted Resolution No. 70,096–N.S.
- 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
Action: Adopted Resolution No. 70,097–N.S.

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
Action: Adopted Resolution No. 70,098–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Bartlett - \$250; Councilmember Hahn - \$300; Councilmember Harrison - \$100; Councilmember Robinson - \$100; Councilmember Kesarwani - \$100.
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
Action: 1. Adopted Resolution No. 70,099–N.S. (United Against Hate Week); 2. Adopted Resolution No. 70,100–N.S. (D-13 Expenditure) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Bartlett - \$250; Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Robinson - \$100; Councilmember Kesarwani - \$100.

Council Consent Items

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;
 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;

Council Consent Items

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

Action: Councilmember Hahn added as a co-sponsor. Approved recommendation as revised in the policy committee recommendation.

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
Action: Approved recommendation revised to refer the item to the Annual Appropriations Ordinance (AAO) #1 budget process.
- 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
Action: Approved recommendation.
- 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
Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Taplin to add the exact streets to include in the RPP program.

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

Action: Adopted Resolution No. 70,101–N.S.

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

Action: Approved recommendation.

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

Action: 10 speakers. Moved to Action Calendar. M/S/C (Robinson/Wengraf) to take no action on Item 15.

Vote: All Ayes.

- 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

Action: Approved Recommendation as revised in Supplemental Communications Packet #1 from Councilmember Hahn.

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
Action: Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn to update the recommendation from the policy committee.
- 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: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 70,102–N.S.

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

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 (Wengraf/Droste) to call for the previous question.

Vote: All Ayes.

Action: M/S/Failed (Harrison/Hahn) to approve the staff recommendation amended to not apply any fines issued in 2021, but proceed with the rest of the lien amount.

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

Action: M/S/Carried (Droste/Arreguin) to adopt Resolution No. 70,103-N.S. 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.

Vote: All Ayes.

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: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.

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

Action: 16 speakers. M/S/C (Taplin/Droste) to table Item 20 indefinitely.

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

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: M/S/C (Arreguin/Wengraf) to continue Item 21 to November 16, 2021.

Vote: All Ayes.

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

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

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

Action: M/S/Failed (Droste/Kesarwani) to adopt Option 2 to refer prohibition of Officeholder Accounts to the Fair Campaign Practices Commission.

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

Action: 0 speakers. M/S/Carried (Arreguin/Harrison) to 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.

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

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

Action: 20 speakers. M/S/C (Harrison/Arreguin) to refer the item to the November 2021 AAO process with a revised recommendation as written below.

1. *Refer to the November 2021 budget process approximately \$500,000 in General Fund Revenue from the American Rescue Plan Act allocation to collaborate with AC Transit to launch a one-year pilot free transit program to subsidize:*
 - a. *AC Transit rides originating from Berkeley on Sundays for at least one calendar year,*
 - b. *Rides for youth, ages 18 years and under,*
 - c. *Rides for seniors, ages 65 plus,*
 - d. *People with qualifying disabilities residing in Berkeley;*
2. *Provision of funds will be contingent on restoration of service lost during the pandemic.*
3. *Evaluate the pilot program after one year and:*
 - a. *consider allocating additional funds.*

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

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

Adjournment

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

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

Councilmember Droste absent at 11:52 p.m.

Adjourned at 11:55 p.m.

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 1

Item #12: Budget Referral: West Berkeley Residential Preferential Parking (RPP)

34. Supplemental material, submitted by Councilmember Taplin

Item #15: Letter of Opposition to the Environmental Protection Agency and Oxitec Ltd.'s Proposal to Release Genetically Engineered Mosquitoes in California Counties

35. Diana Bohn

34. Item #16: Budget Referral: Solano-Peralta Park Restoration and Improvements

36. Supplemental material, submitted by Councilmember Hahn

Item #19: Public Hearing: Administrative Citations and Property Lien at 2800 Garber Street

37. Jean-Pierre Langlois (2)

Item #20: Objective Standards Recommendations for Density, Design and Shadows

38. Todd Darling (2)

Item #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

39. Gordon Wozniak, Chair of Parks & Waterfront Commission

Item #23: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

40. Daniel Tahara

Supplemental Communications and Reports 2

Item #9: Affordable Housing Overlay

41. 8 similarly-worded form letters

42. Sidharth Kapur

43. Kevin Burke

Item #13: Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of Berkeley

44. 5 similarly-worded form letters

Item #15: Letter of Opposition to the Environmental Protection Agency and Oxitec Ltd.'s Proposal to Release Genetically Engineered Mosquitoes in California Counties

45. Supplemental material, submitted by Councilmember Bartlett

46. Judith Pierce Davison, on behalf of the Alameda County Mosquito Abatement District

47. Jenny Wenk

48. GMO Free Florida

49. Lisa Archer

50. Emily Galpern

51. Helen Wallace

52. 220 similarly-worded form letters

Item #17: Bright Streets to Schools

53. Supplemental material, submitted by Councilmember Hahn

Item #18: PG&E's Safety Initiative: 10,000 Miles of Undergrounding Power Lines

54. Michael Scott

55. Richard Laden

56. Elizabeth Pulling

57. Carol Fields

58. Kelly Sika

59. Ray Yep

60. Takato Umeda

61. Scott Scheffler

62. Judith Kennedy

63. Lauren Streiff
64. Marian Wolfe
65. Fredrica Drotos
66. John Armitage
67. Steven and Tanyung Barnes
68. Paul Teicholz
69. Susan Jepsen
70. Marvin Snow
71. Alice and Edward Kahn
72. Steven Beckendorf
73. Pamela Doolan
74. Alan Block
75. Craig Baum
76. Ruth White
77. JT Trollman and Tria Chang
78. Carrie Kabat
79. Lynda Koolish
80. Olga Shalygin Orloff
81. Gradiva Couzin

Item #19: Public Hearing: Administrative Citations and Property Lien at 2800 Garber Street

82. Leonard Schwab
83. Charles Carson
84. Tim Nice
85. Robert Parsons
86. Nadide Kulunk
87. Karen Bird
88. Date Noonan and Ed Hoffmann
89. William Parish and Elizabeth Meckstroth
90. Ira Ellman
91. Faye Keogh
92. John Levy
93. Susan Blomquist
94. Wende Micco
95. Jeffrey Young
96. Naneen Karraker

Item #20: Objective Standards Recommendations for Density, Design and Shadows

97. Supplemental material, submitted by Councilmember Droste
98. Gary Dahl
99. Fred Krieger
100. Vincent Casalaina
101. Diana Bohn (2)
102. Sally Nelson
103. Kirsten Rose
104. Sheila Goldmacher
105. Lisa Bruce

- 106. Brian Gilbane
- 107. Barbara Thompson
- 108. Rachel Bradley

35. Item #23: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

- 109. Supplemental material, submitted by Councilmember Bartlett
- 110. Supplemental material, submitted by Councilmember Taplin
- 111. Jenny Kwon
- 112. Jonah Gottlieb
- 113. Katy Scott-Smith
- 114. Simon Brown
- 115. Matt Ong
- 116. Jack Kurzweil

Supplemental Communications and Reports 3

Item #9: Affordable Housing Overlay

- 117. 23 similarly-worded form letters
- 118. Thomas Lord (2)
- 119. Igor Tregub, on behalf of Sierra Club
- 120. Jeffrey Heller
- 121. Anirvan Chatterjee

Item #10: Budget Referral: Berkeley Ceasefire

- 122. Kit Saginor

Item #13: Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of Berkeley

- 123. 7 similarly-worded form letters

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

- 124. Allen Barth
- 125. Diana Bohn
- 126. Martin Bourque, on behalf of the Farmer's Market

Item #15: Letter of Opposition to the Environmental Protection Agency and Oxitec Ltd.'s Proposal to Release Genetically Engineered Mosquitoes in California Counties

- 127. 29 similarly-worded form letters
- 128. Zen Honeycutt
- 129. Tina Stevens
- 130. Diana North
- 131. Pete Shanks

132. Marcy Darnovsky
133. Dana Perls
134. Christie Dames
135. Mike Burton
136. Jeffrey Smith

Item #18: PG&E's Safety Initiative: 10,000 Miles of Undergrounding Power Lines

137. David Drubin
138. Elizabeth Stuart
139. Howard and Alice Gruber
140. Annegret Daiss and Klaus Fechner
141. Bruce Brody
142. Vicki and Tim Roan

Item #19: Public Hearing: Administrative Citations and Property Lien at 2800 Garber Street

143. Robert Abiad
144. Gavin DiStasi
145. Ira Ellman

Item #20: Objective Standards Recommendations for Density, Design and Shadows

146. Presentation, submitted by Councilmember Droste
147. 12 similarly-worded form letters
148. Matthew Wadlund
149. Charlene Woodcock
150. Todd Darling
151. Jordan Burns
152. Betsy Thagard
153. Aviv Nitsan
154. Gary Miguel
155. Matthew Lewis
156. Adam Rogers
157. Phyllis Orrick
158. Gregory Lemieux
159. Ryan O'Connell
160. David Ushijima
161. Kitt Saginro
162. Lee Bishop
163. Councilmember Harrison
164. Pablo Diaz-Gutierrez
165. Verna Winters
166. Bhima Sheridan
167. Paul Bickmore
168. Milo Trauss
169. Sean Kennedy
170. Rafa Sonnenfeld
171. Richard Wallace

Item #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

- 172. Shirley Dean
- 173. Gordon Wozniak, Chair, Parks & Waterfront Commission

Item #23: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

- 174. Elise Joshi
- 175. Skyler Bennett
- 176. Igor Tregub, on behalf of the Sierra Club
- 177. Gregory Lemieux
- 178. Elliot Cobb
- 179. Deborah Agre
- 180. Matthew Lewis
- 181. Tyler Haddow