

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 26, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to 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/87354849181>. 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: **873 5484 9181**. 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 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: 7:48 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 7:51 p.m.

Ceremonial Matters:

1. Recognition of Mary Webb, Local Artist and Activist

City Auditor Comments:

The City Auditor noted Items 13 and 14 from the Public Works Department regarding the Pedestrian Plan and Paving Plan and the need to include equity in the City's paving policy.

City Manager Comments:

Acting City Manager Paul Buddenhagen provided an update on the City's vaccination efforts.

Public Comment on Non-Agenda Matters: 9 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

Action: M/S/C (Arreguin/Harrison) to accept supplemental material from the City Manager for Item 14.

Vote: All Ayes

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

Vote: All Ayes.

Consent Calendar

1. **Contract No. 32000129 Amendment: Resource Development Associates for Planning and Project Coordination Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000129 with Resource Development Associates through January 31, 2022, adding \$49,000 for a total not to exceed amount of \$97,850, to fund Mental Health Services Act (MHSA) Innovations (INN) Planning and "Help@Hand" Technology Suite Project Coordination services.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,703–N.S.

Consent Calendar

- 2. Contract No. 32000106 Amendment: Easy Does It for Provision of Wheelchair Van Service for Seniors & Disabled**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000106 with Easy Does It with a new NTE (not to exceed) total amount of \$150,000 for the period April 1, 2021 through June 30, 2023 for the provision of accessible wheelchair van services to clients of the Aging Services Division's Berkeley Rides for Seniors & the Disabled program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,704–N.S.
- 3. 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**
(Continued from November 10, 2020)
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: Andrew Greenwood, Police, (510) 981-5900, Savita Chaudhary, Director of Information Technology (510) 981-6541, Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,705–N.S.
- 4. Contract: Sposeto Engineering Inc. for Central Berkeley Transportation & Infrastructure Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Central Berkeley Transportation & Infrastructure Improvements Project, ("Project"), Specification Nos. 21-11411-C, 21-11416-C, and 21-11417-C; 2. Accepting the bid of Sposeto Engineering Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Sposeto Engineering Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$3,477,475, which includes a contingency of fourteen percent for unforeseen circumstances.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,706–N.S.

Consent Calendar

- 5. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Cedar Street, Virginia Gardens, Sacramento Street, Lincoln Street, Spaulding Avenue Backline, Roosevelt Avenue Backline, Martin Luther King Jr. Way and Backline, Walker Street Backline, Telegraph Avenue Backline, Atherton Street, Fulton Street, Bancroft Way, Shattuck Avenue, and Kittredge Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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, in an amount not to exceed \$2,074,469, which includes a 10% contingency of \$188,588.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,707–N.S.
- 6. Contract: Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project, for a not-to-exceed amount of \$979,349 for the period February 1, 2021 through March 31, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,708–N.S. as revised in Supplemental Communications Packet #2 to revise the not-to-exceed amount to \$1,281,611.
- 7. Approval of Berkeley Strategic Transportation Plan Second Addendum**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the Berkeley Strategic Transportation Plan Second Addendum. 2. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Second Addendum to the Alameda County Transportation Commission for inclusion and funding in the County’s Fiscal Year (FY) 2022 – FY 2026 Comprehensive Investment Plan. 3. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,709–N.S.

Consent Calendar

8a. A People's First Sanctuary Encampment *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Homeless Commission

Recommendation: The City Council to adopt the People's First Sanctuary Encampment Model incorporating all text in this report, urging best practices for Sanctuary Homeless Encampments with an oversight agency to be named by members of the encampment community and refer to the City Manager to fund liability insurance for the agency chosen by the encampment community.

(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: See action for Item 8b.

Consent Calendar

8b. Companion Report: A People's First Sanctuary Encampment *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: City Manager

Recommendation: As part of the referral adopted by City Council on January 21, 2020, the City Manager will direct staff to incorporate parts of the Commission's recommendations which do not conflict with guidance already approved by City Council including: providing clean water, sanitation, accessible toilets and trash removal services for the sanctioned encampment, requiring that a future provider of services for the encampment obtain input from residents of the encampment when developing rules for the outdoor shelter and ensure that the privacy and security of residents is respected and maintained.

(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)

Financial Implications: Staff time

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

Action: Approved the recommendation of the Health, Life Enrichment, Equity & Community Committee.

Council Consent Items

9. Confirming Community Appointments to Reimagining Public Safety Task Force

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution: 1. Confirming the appointment of by the Associated Students of the University of California (ASUC) External Affairs Vice President to the Reimagining Public Safety Task Force. 2. Confirming the appointment of by the Steering Committee of the Berkeley Community Safety Coalition (BCSC) to the Reimagining Public Safety Task Force

Financial Implications: No direct fiscal impacts

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

Action: Adopted Resolution No. 69,710–N.S. as revised in Supplemental Communications Packet #2 from Mayor Arreguin to confirm the appointments of Alecia Harger (ASUC) and Todd Walker (BCSC).

Council Consent Items

10. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council** *(Continued from November 10, 2020)*
From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.
Financial Implications: \$40,000
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110
Action: Approved recommendation revised to be a referral to the FY 2022 budget process.
11. **Short Term Referral to City Manager, Disaster and Fire Safety Commission and Planning Commission to Amend Local Accessory Dwelling Unit (ADU) Zoning Ordinance and Berkeley's Fire Code**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the City Manager, the Disaster and Fire Safety Commission and the Planning Commission to evaluate and recommend to Council within 90 days, a set of ordinance amendments and implementation programs to address emergency access and egress, parking and objective development standards to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3. (Attachment 1 to the report). Recommendations to Additional Objective Development Standards in Zones 2 and 3:
-Zone 2 and 3 - limit the base maximum size of newly constructed, detached ADUs to 850 sq. feet. -Zone 2 and 3 – require compliance with front yard, side yard and open space and coverage requirements of the applicable zoning district.
Recommendations to amend the Fire Code: -Prohibit parking on streets where egress and ingress will be adversely impacted by additional vehicles and increased population. -Require sprinklers in new construction, consistent with local Fire Code. - Explore their authority under California Health and Safety Code Sec. 13869.7 to mitigate the adverse impacts of ADU creation in requiring safe and adequate ingress and egress routes and sufficient off-street parking.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6 (510) 981-7160
Action: Approved recommendation revised to add the underlined phrase, "...and objective development standards for ADUs in all districts with expedited consideration to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3."

Action Calendar – Public Hearings

- 12a. *****Item Removed by City Manager*** Public Hearing: ZAB Appeal: 1850 Arch Street, Use Permit #ZP2019-0212**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 12b. *****Item Removed by City Manager*** Public Hearing: ZAB Appeal: 1862 Arch Street, Use Permits #ZP2019-0213**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 12c. *****Item Removed by City Manager*** ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar

13. **Berkeley 2020 Pedestrian Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Berkeley 2020 Pedestrian Plan, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Moved to Consent Calendar. Adopted Resolution No. 69,711–N.S.
14. **Public Works Commission Recommendation for the Five-Year Paving Plan**
From: Public Works Commission
Recommendation: Adopt a Resolution that recommends approval of the first three years of the Five-Year Paving Plan, for FY2021 to FY2025, as proposed by Staff, with special advisories regarding prioritization of permeable paving on select streets.
Financial Implications: See report.
Contact: Joe Enke, Commission Secretary, (510) 981-6300
- Action:** Moved to Consent Calendar. Adopted Resolution No. 69,712–N.S. with the revisions noted below in the supplemental materials submitted by the City Manager.

District 4: for FY 2021, replace Durant between Shattuck and Fulton with Channing between McKinley and MLK. There is no budget impact related to this change.

District 6: no changes for FY 2021. Due to EBMUD's rescheduling of its work, some of this district's paving segments were pushed further back in the 5-year plan. Staff and the Commission will return for the 5-year paving plan approval in January 2022 with identified street segments for FY 2022 and 2023; costs for these segments will be offset by reductions in this district's FY 2024 and 2025 paving.

Action Calendar – Public Hearings

15. Amend BMC Chapter 14.52 Authorizing goBerkeley Parking Program at All Parking Meters

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.52 to add all parking meter areas to the goBerkeley parking program, thereby authorizing the use of demand-responsive parking management citywide under the existing goBerkeley fee structure and program guidelines.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Public Testimony: The Mayor opened the public hearing. 1 speaker.

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

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

Councilmember Harrison absent 9:31 p.m. – 9:57 p.m.

Action: M/S/C (Robinson/Droste) to adopt first reading of Ordinance No. 7,752-N.S. Second reading scheduled for February 9, 2021.

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

Action Calendar

16. Support Community Refrigerators *(Continued from November 10, 2020)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.

Financial Implications: See report.

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Moved to the Consent Calendar to take no action taken on the recommendation.

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

Action Calendar

17. **Declare Juneteenth as a City Holiday for the City of Berkeley** *(Reviewed by the Budget & Finance Policy Committee)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a resolution declaring Juneteenth as a City Holiday for the City of Berkeley
2. Send copies of this resolution to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.
(This item expired on December 14, 2020, and is returning to Council with no action taken by the Budget and Finance Policy Committee.)

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Moved to Consent Calendar with an amended recommendation to refer the item to the City Manager to consider the proposed new holiday in the context of other proposed new holidays in the budget process and labor MOU negotiations.

Information Reports

18. **Report for Phase 3 Study to Underground Utility Wires in Berkeley**
From: Public Works Commission, Disaster and Fire Safety Commission, Transportation Commission

Contact: Joe Enke, Commission Secretary, (510) 981-6300

Action: Received and filed. Requested staff to include the report in the Capital Improvements worksession in March.

Public Comment – Items Not Listed on the Agenda - 4 speakers.

Adjournment

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

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

Councilmember Hahn absent 9:53 – 9:57 p.m.

Adjourned at 9:57 p.m.

Communications

Eviction Moratorium

1. Virginia Browning
2. Councilmember Hahn

25 Cent Disposable Cup Fee

3. Carla Woodworth
4. Michael Katz

North Berkeley BART Development

5. Franklin Lei

URL's Only

6. Russbumper (4)

Supplemental Communications and Reports 1

Item #14: Public Works Commission Recommendation for the Five-Year Paving Plan

7. Jennifer Willman

8. Justin Palmer

9. Donald Rothberg

10. Nancy Kates

11. Suzanne Alberga

12. Jeanie and Bob Minor

Supplemental Communications and Reports 2

Item #6: Contract: Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project

13. Revised material, submitted by Public Works

Item #9: Confirming Community Appointments to Reimagining Public Safety Task Force

14. Revised material, submitted by the Mayor

Item #14: Public Works Commission Recommendation for the Five-Year Paving Plan

15. Jeanne Schuman

16. Margot Dashiell

17. Martin Hammer

18. Gloria Elissha

19. Anne Jennings

20. Doug Abadie

21. Richard Neese

22. Karen Dabrusin

23. Linda and James Helman

24. Anne Pardee

Supplemental Communications and Reports 3

Item #3: 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

25. Blair Beekman

Item #9: Confirming Community Appointments to Reimagining Public Safety Task Force

26. Katherine Lee, Police Review Commission Officer

Item #13: Berkeley 2020 Pedestrian Plan

27. Presentation, submitted by Planning (Transportation Division)

Item #14: Public Works Commission Recommendation for the Five-Year Paving Plan

28. Revised material, submitted by Public Works

29. Arlene Acuna

30. Rick Diamond

31. Robert Sanders

32. Dawn Finch

Miscellaneous Communications

33. Ms Omowale Fowles (2)

34. Thomas Lord