

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 12, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87357139470>. 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 5713 9470**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 7:33 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Heirs to Our Oceans
2. Adjourned in Memory of John Carothers, Local Activist and Cyclist
3. Adjourned in Memory of Marilyn Golden, Disability Rights Activist
4. Marsha Friedman, Local Activist

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 29 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Taplin) to adopt a temporary rule for a limit of one minute per speaker for agenda items.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental and revised materials from the City Attorney on Item 21 and from Councilmember Harrison on Item 28.

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

Action: M/S/C (Arreguin/Droste) to continue Items 29, 31, 32, and 33 to the October 26, 2021 meeting.

Vote: All Ayes.

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

Vote: All Ayes.

Recess Items

- 1. Contract: Murray Building, Inc. for Cazadero Camp Jensen Dormitory Construction Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Cazadero Camp Jensen Dormitory Project, Specification No. 21-11443-C; 2. Accepting the bid of Murray Building, Inc. as the lowest responsive and responsible bidder for the amount of \$1,329,000; 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 Murray Building, Inc. in an amount not to exceed \$1,461,900 which includes a 10% contingency.
Financial Implications: Camps Fund - \$1,461,900
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,053–N.S.

Consent Calendar

- 2. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets**
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,784 amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on:
 1. Ninth Street between Dwight Way and Heinz Avenue
 2. Addison Street between San Pablo Avenue and Sixth Street;
 3. Allston Way between San Pablo Avenue and Sixth Street;
 4. Bancroft Way between San Pablo Avenue and Sixth Street;
 5. Channing Way between San Pablo Avenue and Fourth Street;
 6. Dwight Way between San Pablo Avenue and Sixth Street;
 7. Camelia Street between Eighth Street and Ninth Street;
 8. Eighth Street between Jackson Street and Camelia Street;
 9. Ninth Street between Camelia Street and Cedar Street;
 10. Virginia Street between Sacramento Street and Martin Luther King Jr. Way;
 11. Virginia Street between Shattuck Avenue and Euclid Avenue;
 12. Channing Way between Martin Luther King Jr. Way and Piedmont Avenue;
 13. Heinz Avenue between Ninth Street and San Pablo Avenue;
 14. Russell Street between San Pablo Avenue and Shattuck Avenue;
 15. Russell Street between Telegraph Avenue and Claremont Avenue;
 16. California Street between Hopkins Street and University Avenue;

Consent Calendar

17. California Street between Dwight Way and Russell Street;
18. King Street between Russell Street and Stanford Avenue;
19. Milvia Street from Dwight Way to Russell Street;
20. Bowditch Street from Bancroft Way to Dwight Way;
21. Hillegass Avenue from Dwight Way to Woolsey Street
22. Addison from San Pablo to Sacramento
23. Allston San Pablo to Sacramento
24. Bancroft from San Pablo to Sacramento
25. Addison San Pablo to Curtis
26. Cowper from San Pablo to Curtis
27. Byron from Addison to Bancroft
28. Curtis from University to Dwight
29. Browning from Addison to Dwight
30. West from Addison to Allston
31. Valley from Bancroft to Dwight
32. Acton from Addison to 66th.
33. Bonar from University to Dwight
34. Edwards from Bancroft to Dwight
35. Matthews from Dwight to Russell
36. Mabel from Dwight to 66th.
37. Derby from San Pablo to Sacramento
38. Ward from San Pablo to Sacramento
39. Oregon from San Pablo Park to Sacramento
40. Burnett from San Pablo to Acton
41. Dohr from Ward to Prince
42. Haskell from San Pablo to Acton
43. Harmon from Idaho to California
44. Prince from Acton to California
45. 66th from Mabel to California

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,784-N.S.

3. **Amending BMC Section 14.56.040 to Reduce the Commercial Weight Limit on Marin Ave**

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

Recommendation: Adopt second reading of Ordinance No. 7,785-N.S. amending Berkeley Municipal Code (BMC) Section 14.56.040 to reduce the commercial vehicle weight limit from four tons gross weight to three tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Marin Fountain Circle.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,785-N.S.

Consent Calendar

4. **Ordinance for a Shared Electric Micromobility Permit Program**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,786–N.S. adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,786-N.S.

5. **Adoption of the Baseline Zoning Ordinance (BZO)**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,787–N.S. rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,787-N.S.

6. **Update Guidelines and Procedures for City Council Office Budget Expenditure Accounts**

From: City Manager

Recommendation: Adopt a Resolution: 1. Rescinding Resolution No. 65,540-N.S.; and 2. Updating the guidelines and procedures for City Council Office Budget Expenditure Accounts to allocate for Mayor and Councilmember Office staff salaries and fringe benefits for Legislative Assistant position to be adjusted annually consistent with any increase provided to the SEIU Local 1021 Community Services Unit and Part-Time Recreation Leaders Association (CSUPTRLA) Unit.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,054–N.S.

7. **City Council Rules of Procedure and Order Revisions**

From: City Manager

Recommendation: Adopt a Resolution revising Appendix C of the City Council Rules of Procedure and Order to refine practices for holding public meetings via video conference technologies; clarifying the Council procedures for moving an item from the Action to Consent Calendar; removing Appendix D; and rescinding any preceding amendatory resolutions.

Financial Implications: None

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

Action: Adopted Resolution No. 70,055–N.S.

Consent Calendar

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 12, 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: Zero Waste Fund - \$750,000

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

Action: Approved recommendation.

9. Proposed Ordinance Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020

From: City Manager

Recommendation: 1. Adopt the first reading of an Ordinance (Attachment 1) which modifies the language of Paragraph 'NN.' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and which will expand the existing local code amendment that requires the installation of fire sprinklers in new structures and the retrofit fire sprinklers into existing structures that currently exists in Fire Zone 3 to include structures located in Berkeley Fire Zone 2;

2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code and that amends Resolution number 69,178–N.S.; and

3. In compliance with state law on adopting such more restrictive building standards, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for October 26, 2021.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,788—N.S. Second reading scheduled for October 26, 2021; Adopted Resolution No. 70,056–N.S. as revised in Supplemental Communications Packet #1 from the City Manager.

10. Purchase Order: Braun Northwest for Two 2022 North Star 155-1 Type 1 Ambulances

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for two (2) 2022 North Star 155-1 Type 1 Ambulances with Braun Northwest, Inc. in an amount not to exceed \$650,000.

Financial Implications: Measure FF - \$650,000

Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300

Action: Adopted Resolution No. 70,057–N.S.

Consent Calendar

- 11. Purchase Order: Nicholas K Corp DBA “The Ford Store” San Leandro for Five Ford F-250 4X4 Pickup Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Alameda County bid procedures and authorizing the City Manager to execute a purchase order for five (5) Ford F-250 4X4 Pickup Trucks with Nicholas K Corp DBA “The Ford Store” San Leandro in an amount not to exceed \$322,000.
Financial Implications: Measure FF - \$322,000
Contact: Abe Roman, Fire, (510) 981-3473, Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,058–N.S.
- 12. Contract No. 32100181 Amendment: Alameda County Healthcare Services Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100181 with Alameda County Healthcare Services to increase the total contract amount by \$62,000 for a total contract amount not to exceed \$100,000 for the period of May 1, 2021 to July 31, 2024 for epidemiology and program evaluation services. The contract will serve the needs of the Public Health Division in providing the program evaluation required under the 3-year Prop 64 Cohort 2 grant funding that was awarded to the City of Berkeley in May 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,059–N.S.
- 13. Appointment of Fire Chief**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Abraham Roman as the Fire Chief to be effective October 17, 2021 at an annual salary of \$268,990.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,060–N.S.

Consent Calendar

- 14. Classification and Salary: Establish Program Manager I and II Classifications**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 68,709-N.S., Classification and Salary Resolution for Public Employees Union, Local One to include the classification of Program Manager I and II Classifications with an hourly salary range of \$51.7326 - \$62.4561 effective October 12, 2021.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,061–N.S. as revised in Supplemental Communications Packet #2 from the City Manager.
- 15. Transfer Tax Refund for 1685 Solano Avenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to grant a transfer tax refund of an estimated \$121,250 to the Bay Area Community Land Trust (BACLT) to support the acquisition and renovation of 1685 Solano Avenue and BACLT’s operation of the property as affordable housing.
Financial Implications: General Fund - \$121,250
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,062–N.S.
- 16. Contract No. 112798-2 Amendment: Geographic Technologies Group for Additional Geographic Information System (GIS) Projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-2 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) professional services, for a total not to exceed \$100,000 and for a total contract value of \$499,411 from September 14, 2016 to June 30, 2023.
Financial Implications: FY22 IT Cost Allocation - \$100,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,063–N.S.
- 17. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency’s (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$492,000 through September 30, 2022.
Financial Implications: See report
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,064–N.S.

Consent Calendar

18. Grant Application: Environmental Enhancement and Mitigation Project (EEMP) Proposal

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to \$500,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,065–N.S.

19. City Policy Regarding Scheduling City Meetings on Significant Religious Holidays

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

Recommendation: Adopt a Resolution establishing an official City of Berkeley policy to avoid scheduling of meetings of the City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on any religious holiday that incorporates significant work restrictions and direct the City Manager to identify those holidays in consultation with community religious leaders.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 70,066–N.S. with the Resolved clause revised to read:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it will be the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Commissions and Boards, Council Policy Committees, Task Forces) on religious holidays that incorporate significant work restrictions and such days shall be identified through consultation with community religious leaders.

Council Consent Items

20. Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

From: Councilmember Taplin (Author), Councilmember Kesarwani (Author)

Recommendation: In order to deter gun violence and obtain evidence to solve criminal investigations, adopt the following recommendations: 1. Authorize the City Manager to install security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime, including appropriate arterial streets serving as entry into and exit out of the City of Berkeley; 2. Refer to the City Manager an environmental safety assessment of the high crime areas specifically in South and West Berkeley; 3. Refer costs for security cameras and lighting to the Annual Appropriations Ordinance (AAO) #1 budget process.

We note that the security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for any kind of surveillance purposes whatsoever. Key intersections entering and leaving Berkeley for security camera installation could include those listed below. Arterial intersections along University, Ashby and Alcatraz in close proximity to gun violence in South and West Berkeley should be prioritized: 6th/University, 7th/Ashby, San Pablo Ave./Ashby, Sacramento/Alcatraz, Alcatraz/Adeline, Ashby/Telegraph, Gilman/6th, College/Alcatraz, Ashby/Domingo, Ashby/Claremont. Other locations within Berkeley may include the following: University/San Pablo, University/Sacramento, Sacramento/Ashby, George Florence Park, 10th/Bancroft, 8th/Channing, 8th/Addison.

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, and further revised to include the amendments below.

- Refer to the City Manager to develop a use policy for the security cameras that includes provisions that the data may be used for active investigations only and that the policy will include the data retention schedule. Staff to provide Council with an off-agenda memo commemorating the use policy.
- The locations of the cameras will be based on calls-for-service data; that staff will bring a list of locations to Council; and to refer the item to the AAO1 budget process.

Council Consent Items

21. Ghost Gun Ordinance

From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)
(Reviewed by the Public Safety Committee)

Recommendation: Adopt first reading of an Ordinance amending the Berkeley Municipal Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law; and prohibiting any person from possessing, manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions pursuant to state law.

Policy Committee Recommendation: Send the item, with a positive recommendation, to Council and directed the author to work with the City Attorney's office to finalize a draft Ordinance and to submit the item as a time critical item for inclusion in the October 12, 2021 Council agenda.

Financial Implications: Staff time

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

Action: Approved first reading of Ordinance No. 7,789—N.S. as revised in the material submitted by the City Attorney at the meeting to 1) Edit a sentence in the Findings for clarity; 2) Amend the definition of “unfinished frame or receiver” and makes corresponding minor edits throughout, to avoid conflict with a proposed federal rule; 3) Address applicability, in light of federal and/or state law, for (1) licensed firearm precursor part vendors, (2) Federal Firearms Importers, (3) Federal Firearms Manufacturers, (4) sworn peace officers acting within the scope of official duties, and (5) licensed and regulated common carriers; 4) Delete a subsection that is descriptive of existing law; and 5) Provide that Subsections A and C shall take effect 6 months after the other provisions go into effect, rather than 90 days, allowing the City more time to inform residents of the provisions. Second reading scheduled for October 26, 2021.

22. Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier

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

Recommendation: Send a letter to State Senator Nancy Skinner (D-Berkeley), Chair of the Senate Budget Committee, requesting state budget allocations for urgent infrastructure needs at the Berkeley Municipal Pier.

Financial Implications: None

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

Action: Item 22 continued to October 26, 2021.

Council Consent Items

- 23. Infrastructure and Affordable Housing Finance Plan for Adeline Corridor**
From: Councilmember Bartlett (Author)
Recommendation: Refer to the November Annual Appropriation Ordinance an allocation of \$200,000 to fund a Consultant to design and implement an infrastructure and affordable housing finance strategy for the Adeline Corridor Plan that was adopted by the City Council on December 8, 2020. The proposed analysis should examine the feasibility of various infrastructure financing tools, such as an Enhanced Infrastructure Finance District (EIFD), Community Facilities District, Affordable Housing Authority, Community Revitalization and Investment Authority, pursuit of state and Federal grants, and other public and private financing tools. The project team should determine which financing mechanism(s) would be most appropriate to fund elements of the Adeline Corridor Plan, and future community-oriented projects. Upon identifying the appropriate funding tools, the consultant would then proceed with implementation based on further feedback from City Council and the community.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Councilmembers Harrison and Taplin added as co-sponsors. Approved recommendation.
- 24. Adopt a Resolution in Support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution in support of a Direct Pay Provision for the 26 U.S.C. § 25D Residential Energy Efficient Property Tax Credit. end copies of the resolution to Senators Feinstein and Padilla, Congresswoman Lee, Chairman Wyden, Chairman Neal, Ranking Member Crapo, and Ranking Member Brady.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 70,067–N.S.
- 25. Adopt a Resolution Denouncing Texas Anti-Abortion Law (SB 8) and Reaffirming Reproductive Freedom in Berkeley**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution to denounce the Texas abortion law, Senate Bill (SB) 8, banning most abortions after six weeks of pregnancy. The resolution will also reaffirm the City of Berkeley's commitment to reproductive freedom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,068–N.S.

Council Consent Items

26. **Support for H.R. 3755 and S.1975 – Women’s Health Protection Act of 2021**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of H.R. 3755 and S.1975 – Women’s Health Protection Action of 2021 (Rep. Chu) (Sen. Blumenthal) and send copies to House Representatives Judy Chu and Barbara Lee; Senators Richard Blumenthal, Dianne Feinstein and Alex Padilla; Vice President Kamala Harris and President Joe Biden.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,069–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 Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

27. ZAB Appeal: 1205 Peralta Avenue, Variance/Use Permit #ZP2020-0060

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to deny Zoning Permit #ZP2020-0060 for a Variance to legalize the elimination of two off-street parking spaces by conversion of an existing 18 foot x 20 foot garage to habitable space, and a Use Permit to legalize the addition of three bedrooms on a lot that is non-conforming for density, lot coverage, setbacks, usable open space and parking.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 7 speakers.

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

Vote: All Ayes.

Action: M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: M/S/Carried (Taplin/Harrison) to reconsider the motion to suspend the rules and extend the meeting.

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: M/S/C (Kesarwani/Wengraf) to adopt Resolution No. 70,070–N.S. remanding the variance and use permit to the Zoning Adjustments Board with the inclusion of new or revised plans presented to the City Council.

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

Action Calendar – Old Business

28. **Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04** *(Continued from September 28, 2021) (Item contains revised material)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

Action: M/S/C (Arreguin/Wengraf) to continue the public hearing to October 26, 2021 as the first action item including supplemental material from Councilmember Harrison in Supplemental Communications Packet #1.

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

Councilmember Harrison absent 11:07 p.m. – 11:11 p.m.

29. **Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from September 14, 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: Item 29 continued to October 26, 2021.

Action Calendar – Old Business

- 30. Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Continued from September 14, 2021)*
From: Councilmember Harrison (Author)
Recommendation: Refer to Berkeley’s Zero Waste and Energy Commissions (or successor Commission) to hold joint meetings regarding the proposed Ordinance regulating the use of carryout and pre-checkout bags and promoting the use of reusable bags by December 31, 2021.
As part of the series of meetings, the Commissions should: 1. strive to conduct community/business outreach and education events to include, but not limited to the following entities: a. all stores and events that provide pre-checkout bags (e.g., grocery stores, convenience stores, food marts, and food vendors); b. all restaurants, take-out food stores, food trucks, permitted events, and any other commercial establishment not regulated by the state that provide carryout bags; and 2. make any recommendations with respect to any amendments and appropriate phasing to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.
Policy Committee Recommendation: Make a positive recommendation to the City Council that the Council direct the Zero Waste and Energy Commission (or successor Commission) to hold joint meetings to conduct community outreach and education events and recommend proposed changes and appropriate phasing to the FITES Committee.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Consent Calendar. Approved recommendation as revised in the Supplemental materials submitted by Councilmember Harrison.
- 31. Objective Standards Recommendations for Density, Design and Shadows**
From: Joint Subcommittee for the Implementation of State Housing Laws *(Continued from September 28, 2021) (Item contains supplemental material)*
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: Item 31 continued to the October 26, 2021 meeting.

Action Calendar – New Business

32. Identifying City Council Referrals for Removal

From: City Manager

Recommendation: 1. Review the referrals marked as rescinded by the sponsoring Councilmember or District; 2. Consider the referrals identified by Councilmembers for further discussion; and 3. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District.

Financial Implications: None

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action: Item 32 continued to the October 26, 2021 meeting.

Council Action Items

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

From: Councilmember Harrison (Author)

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.

Financial Implications: General Fund - \$500,000

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

Action: Item 33 continued to the October 26, 2021 meeting, including revised material in Supplemental Communications Packet #2 from Councilmember Harrison.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

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

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

Councilmember Droste absent 11:08 – 11:11 p.m.

Adjourned at 11:11 p.m.

Communications

Homelessness Issues

1. Eric Friedman
2. Paul Buddenhagen, Deputy City Manager
3. Yasuo Tanaka
4. Steve Kromer
5. Ben Buettner
6. Fran Haselsteiner
7. Alex Merenkov

8. Parisa Jorjani (2)
9. Jae Wheeler

Sustainable Housing at the North Berkeley BART

- 10.11 similarly-worded form letters
11. Andrew Livsey
12. Deborah Gouailhardou
13. Laura Wise
14. Josh Gutwill
15. Lorna Brand
16. Barbara Fisher

Purchase Parcel of the Ashby Community Garden

17. Carrie Jahde
18. Anna Henry
19. Veronica Graham
20. Mariam Queen and Alison Paskal
21. Carolyn Goldwasser
22. Jennifer Sowerwine
23. Nell Wollner
24. Larisa Cummings
25. Ingrid Good
26. Linda Currie
27. Elizabeth Barry

New Construction Funding at 1740 San Pablo Avenue

28. Kate Traynor, on behalf of BRIDGE Housing Corporation

Zero Waste Commission Support

29. Danielle Epifani
30. Chrise

Fair Work Week Ordinance

31. John Paluska, Owner of Comal

Fire Hazard at 1040 University Avenue

32. Ben Hubbell

Vaccine + Masks

33. City of Berkeley Youth Commission
34. Susan Imperial

Oppose SB9

35. Evan Meyer

Investing in West Berkeley

36. Becca Schonberg
Cragmont Park Rental
37. Denise

Parking Ordinance Suggestion
38. Tina Goldsmith

Secondhand Marijuana and Tobacco Use
39. Carol Denney

Resolution to Support Redistribution of City Resources
40. Anna Minsky

RV Parking
41. Charlene Washington
42. Maryann O'Sullivan

Berkeley Shooting/Crime
43. Michael O'Heaney
44. Jeff Vincent
45. Naomi Marks
46. Laralynn Rapoza
47. Imad Din

Street Paving Equity
48. Zach Franklin
49. Minda Berbeco
50. Kris Wiley
51. Maryann O'Sullivan

Menstrual Problems After COVID Shots
52. Vivian Warkentin

Leonard Powell Saga
53. Steve Martinot

Save People's Park
54. Diana Bohn

Parking Permits
55. Parisa Jorjani

URL's Only
56. Russbumper (3)
57. Vivian Warkentin
58. Barbara Gilbert

Supplemental Communications and Reports 1

Item #2: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets

59. Carl Bass

Item #4: Ordinance for a Shared Electric Micromobility Permit Program

60. Tom Lent

Item #9: Proposed Ordinance Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020

61. Revised material, submitted by Fire

Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

62. Revised material, submitted by Councilmember Taplin

63. Arabelle Malinis

64. Patrick McCully

65. Kristina Hill

66. Ken Berland

67. Denah Bookstein

Item #21: Ghost Gun Ordinance

68. 18 similarly-worded form letters

Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060

69. Rena Rickles (3)

Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

70. Supplemental material, submitted by Councilmember Harrison for the September 28 council meeting

71. Cameron Woo

Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee

72. Revised material, submitted by Councilmember Harrison for the September 14 council meeting

- 73. Martin Bourque
- 74. Peter Schultze-Allen

Supplemental Communications and Reports 2

Item #6: Council Office Expense Account

- 75. Barbara Gilbert

Item #14: Classification and Salary: Establish Program Manager I and II Classifications

- 76. Revised material, submitted by Human Resources

Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

- 77. Supplemental material, submitted by Councilmember Taplin
- 78. Chimey Lee
- 79. Tracy Rosenberg
- 80. 8 similarly-worded form letters

Item #21: Ghost Gun Ordinance

- 81. 5 similarly-worded form letters
- 82. Laurie Leiber
- 83. Anna Mahony

Item #24: Adopt a Resolution in Support of a Direct Pay Provision for the 26 U.S.C. 25D Residential Energy Efficiency Property Tax Credit

- 84. Barbara Gilbert

Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060

- 85. Alan Tobey
- 86. Veronika Fukson
- 87. Karen Fiene
- 88. Rena Rickles (5)
- 89. Ruth Tobey
- 90. Joan Sprinson
- 91. Tiana Wages
- 92. Sara Ishikawa

Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

- 93. 15 similarly-worded form letters
- 94. George Porter
- 95. Marissa Moss
- 96. Kathleen Giustino

97. Sheila Goldmacher
98. Cindy Shamban
99. Lisa Bruce
100. Janis Ching (2)
101. Loni Gray
102. Debra Sanderson (2)
103. Margaretta Mitchell
104. John Rice
105. Kerna Trottier
106. Sabina McMurtry
107. Eric Arens
108. Rolf Bell
109. Debra Shell
110. Susan Kegeles

Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee

111. Igor Tregub, on behalf of the Sierra Club
112. 287 similarly-worded form letters

Item #31: Objective Standards Recommendations for Density, Design and Shadows

113. Susanne Tilney
114. Wendy Alfsen
115. Michael Katz
116. Sally Hughes
117. Laura Klein
118. Lisa Bruce
119. Erin Diehm
120. Bummer Brenner
121. Kris Muller
122. Gar Smith
123. Phil Allen
124. Tom Graly
125. Kirsten Rose
126. Jane Graly
127. Charlene Harrington
128. George Killingsworth
129. Paul Newacheck
130. Constance Rivemale
131. Karen Weil
132. Sharon Singer
133. Rani Cochran

- 134. Jeffrey Kaplan
- 135. Linda Franklin and Fred Dodsworth
- 136. Sbina McMurtry
- 137. Larry Hendel
- 138. Lynn Cooper
- 139. Meryl Siegal
- 140. Jane Kitchel
- 141. Nancy Lemon and Blaine Devine
- 142. Kerna Trottier
- 143. Carole Cool
- 144. Rachel Bradley
- 145. Diana Bohn
- 146. Charlene Woodcock
- 147. Eva Herzer
- 148. Barbara Fisher
- 149. Kori Kody and Steve Jackson
- 150. Fred Krieger
- 151. Mathew Lewis
- 152. Todd and Linda Darling
- 153. Tony Corman
- 154. Jeffrey Carter
- 155. Rob Wrenn
- 156. Sheila Goldmacher
- 157. Barbara Stebbins
- 158. Jean Mudge
- 159. Alison Lingo
- 160. Carla Woodworth
- 161. Tobey Wiebe
- 162. Theresa Gensler

Item #33: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

- 163. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

Item #20: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

- 164. Eric Wiesner
- 165. Rani Hurd

Item #21: Ghost Gun Ordinance

- 166. Supplemental material, submitted by the Attorney's Office
- 167. Eric Wiesner

Item #27: ZAB Appeal: 1205 Peralta Avenue, Variance/Use #ZP2020-0060

- 168. Presentation, submitted by Planning

169. Joan Sprinson

Item #28: Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04

170. Supplemental material, submitted by Councilmember Harrison

171. Steven Segal

Item #30: Referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the FITES Committee

172. 34 similarly-worded form letters

Item #33: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

173. Igor Tregub