

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 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 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/87152148000>. 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: **871 5214 8000**. 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: 6:04 p.m.

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

Absent: Kesarwani, Droste

Councilmember Kesarwani present at 6:31 p.m.

Councilmember Droste present at 6:39 p.m.

Ceremonial Matters:

1. Recognition of Jim Jacobs, Pioneering Berkeley Librarian
2. Recognition of Childhood Lead Poisoning Prevention Week (October 24 – October 30)
3. Adjourned in Memory of Dr. John Lowitz, Local Physician
4. Bob Burrell, Berkeley Resident

City Manager Comments:

The City Manager provided an update on the Reimaging Public Safety process including Task Force activities and planned future meetings.

Public Comment on Non-Agenda Matters: 7 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt a temporary rule to limit public comment to one minute per speaker for Consent and Action items.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to accept revised material from Councilmember Robinson on Item 30 and 31; to accept revised material from Councilmember Hahn on Item 36; and to accept revised material from Councilmember Harrison on Item 38.

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

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

Vote: All Ayes.

Consent Calendar

- 1. Ghost Gun Ordinance**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt second 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.
First Reading Vote: All Ayes
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted second reading of Ordinance No. 7,789-N.S.
- 2. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,071-N.S.
- 3. Referral Response: Amending City Council Office Budget Expenditure and Reimbursement Policies**
From: City Manager
Recommendation: Adopt a Resolution revising the Councilmember Office Budget Relinquishment and Grant Policy to add that donations to nonprofit organizations be made on behalf of the City Council and the residents of Berkeley.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,072-N.S.

Consent Calendar

- 4. Appointment of Emergency Standby Officer for City Council District 2 and Resignation of Second Standby Officer for District 7**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of a newly nominated standby officer for City Council District 2 to serve in the event the elected official is unavailable during an emergency, removing the second standby officer for District 7, and rescinding Resolution No. 69,190-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,073-N.S.
- 5. Revised Conflict of Interest Code**
From: City Manager
Recommendation: Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 69,152–N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,074-N.S.
- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of September 14, 2021 (closed and regular), September 21, 2021 (special) and September 28, 2021 (closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation.
- 7. Contract No. 32100161 Amendment: Dorothy Day House for Services at 742 Grayson Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract number 32100161 with Dorothy Day House, adding \$548,096 for a new total not to exceed amount of \$1,657,618, to include the operation of homeless shelter for people living in vehicles in an off-street safe parking program for Recreational Vehicles at 742 Grayson Street, and extending the contract through September 30, 2022.
Financial Implications: See report
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,075-N.S.

Consent Calendar

- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 26, 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: Parking Meter Fund - \$300,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 9. Contract: Federal Engineering, Inc. for Prioritized Dispatch Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Federal Engineering, Inc. (Contractor) to provide prioritized dispatch consulting services from November 1, 2021 to October 30, 2022 in an amount not to exceed \$100,000 with an option to extend for two additional two-year terms, for a total contract amount not to exceed \$300,000.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,076-N.S.
- 10. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for Property Management Services at 2111 McKinley Ave**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) to fund property management services at 2111 McKinley Avenue in Berkeley, a Supported housing site for mental health division clients, to increase the amount by \$287,712 for a total contract not to exceed \$657,712, and to extend the contract through November 1, 2023.
Financial Implications: FY22 Budget - \$287,712
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,077-N.S.

Consent Calendar

- 11. Contract No. 32100019 Amendment: Sonya Dublin Consulting as the External Evaluator, Tobacco Prevention Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100019 with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, increasing the amount by \$9,900 for a total amount not to exceed \$103,500, and extending the contract through December 31, 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,078-N.S.
- 12. Contract: Discovery Health Services, Vendor for Citywide COVID-19 Testing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Discovery Health Services for weekly onsite employee COVID-19 testing, for the period covering November 1, 2021 to November 1, 2022 for an amount not to exceed \$450,000.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,079-N.S.
- 13. Contract: Voya for Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Voya for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering November 1, 2021 to November 1, 2026 for an amount not to exceed \$112,000.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,080-N.S.

Consent Calendar

14. Resolution Authorizing an Amendment to CalPERS Contract Pursuant to California Government Code 20516

From: City Manager

Recommendation: Adopt a Resolution to initiate process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the following Units: Units X-1 (Unrepresented Hourly Non-Career); X-2 (Retired Annuitants); Z-1 (Confidential and Executive Management Employees); Z-2 (Confidential Professional Employees); Z-3 (Confidential Clerical Employees); Z-6 (Legislative Analysts); and Z-9 (Unrepresented at-will positions in the Rent Stabilization Program) (collectively referred to as "Unrepresented Group").

As part of the most recent negotiations regarding the memorandum of understanding between the City and SEIU Local 1021 Maintenance and Clerical (MC), the parties agreed to reduce the MC PEPRA members' employer cost share (Ramp Down) of eight percent (8%) over the term of the current MOUs. Although the Unrepresented Group is not represented by a labor group, they customarily receive the same negotiated benefits afforded to the MC chapters.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,081-N.S.

15. Revise Housing Inspector Supervisor Classification and Salary

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,996-N.S. Memorandum of Understanding: Public Employees Union - Local 1, revising the Housing Inspector Supervisor Classification and Salary.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,082-N.S.

16. Assistant Inspector, Housing Inspector I, Housing Inspector II, and Senior Housing Inspector

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,991-N.S. Classification and Salary Resolution for SEIU 1021 Community Services and Part-Time Recreation Activity Leaders Memorandum Agreement, Unit L (career and non-Career, miscellaneous and administrative employees) adding Assistant Inspector, Housing Inspector I, Housing Inspector II and Senior Housing Inspector.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,083-N.S.

Consent Calendar

17. **Dell Computers, Inc.: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement for Computer Hardware and Software Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning October 26, 2021 through June 30, 2023 for an amount not-to-exceed (NTE) \$1,939,538 with \$1,019,769 in Fiscal Year 2022 and \$919,769 in Fiscal Year 2023.
Financial Implications: Various Funds - \$1,939,538
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,084-N.S.
18. **Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) Extending Support and Maintenance and AT&T Phone Bill Audit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) extending Support and Maintenance and in order to conduct a phone billing audit of AT&T, increasing the contract amount by \$14,625 for a total not-to-exceed amount of \$97,436 from July 1, 2017 to June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$14,625
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,085-N.S.
19. **Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Pre-Construction documents for Potential Improvement Projects at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1) submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to prepare pre-construction technical documents for potential improvement projects at Aquatic Park; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and that Council authorize 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. 70,086-N.S.

Consent Calendar

- 20. Grant Application: Boating Safety and Enforcement Equipment (BSEE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) submit a grant application to the California Division of Boating and Waterways 2021 BSEE grant program for \$20,000; 2) accept any grants; and 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects 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. 70,087-N.S.
- 21. Renewal of the Elmwood Avenue BID for Calendar Year 2022**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.
Financial Implications: See report
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 70,088-N.S.
- 22. Renewal of the Solano Avenue BID for Calendar Year 2022**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021
Financial Implications: See report
Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 70,089-N.S.

Council Consent Items

- 23. Budget Referral: Reckless Driving and Sideshow Deterrence Improvements**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or bott's dots, at the following intersections:
Seventh Street and Addison Street, Eighth Street and Channing Way, Bonar Street and Allston Way, Bonar Street and Bancroft Way, additional intersections to be determined by the Transportation Division of the Public Works Department. The Transportation Division shall determine which intersections best qualify for bott's dots and which qualify for traffic circles.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as revised in Supplemental Communications Packet #2 by Councilmember Taplin.
- 24. Budget Referral: Sidewalk Repair on Arterial Streets**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process an allocation of \$600,000 from the General Fund for the purpose of funding sidewalk repairs on major West and South Berkeley arterial streets including Sacramento Street, Alcatraz Avenue, and Dwight Avenue.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 25. CalVIP Grant Application Authorization**
From: Councilmember Taplin (Author)
Recommendation: Authorize the City Manager to respond to Requests For Proposals (RFPs) and submit applications to the California Violence Intervention and Prevention (CalVIP) Grant Program in future funding cycles in order to provide resources for community safety initiatives.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.

Council Consent Items

- 26. Presentation Request: Study to Achieve Equity in City Contracting - “Berkeley Inclusion in Opportunity Index”**
From: Councilmember Bartlett (Author) and Councilmember Harrison (Co-Sponsor)
Recommendation: Request for Mason Tillman Associates Ltd (MTA) to present their findings and recommendations from the “Berkeley Inclusion in Opportunity Index” study at the November 9th, 2021 City Council meeting. The presentation should include an analysis of the City’s use of local, small, emerging, and diverse enterprises. The study focuses on enterprises experiencing barriers to access in obtaining City contracts in construction, architecture, engineering, professional services, goods, and other services.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 27. Support Net Energy Metering**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)
Recommendation: Approve a Resolution in Support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 70,090-N.S.
- 28. Amend City Council Rules of Procedure and Order to Allow Extension of Items in Committee in Writing**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section G, Subsection 4 to allow the Chair of a Committee to accept a Primary Author’s written request that their item remain in Committee past the 120 day deadline rather than requiring that extensions be approved by a full vote of the committee.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 70,091-N.S.

Council Consent Items

- 29. Budget Referral: Public Bank East Bay**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) and Councilmember Harrison (Co-Sponsor)
Recommendation: Refer \$50,000 to the November 2021 AAO process for a contribution to the Friends of the Public Bank East Bay for the development of a business plan for the Public Bank East Bay.
Financial Implications: General Fund - \$50,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.
- 30. Budget Referral: Durant Parklet and Telegraph Plaza Improvements**
From: Councilmember Robinson (Author) and Mayor Arreguin (Co-Sponsor)
Recommendation: Refer \$60,000 to the November 2021 AAO process for placemaking improvements in the Telegraph District, consisting of the installation of a public parklet on Durant Avenue and the closure of the right-turn slip lane at the Dwight Triangle to create a public plaza.
Financial Implications: \$60,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation as revised in supplemental materials submitted by Councilmember Robinson at the meeting.
- 31. Budget Referral: Telegraph Shared Streets Feasibility Study**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor) and Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$500,000 to the November 2021 AAO process for conducting a feasibility study of the Telegraph Shared Streets project.
Financial Implications: \$500,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation as revised in supplemental materials submitted by Councilmember Robinson at the meeting.

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.

32. 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 October 12, 2021) (Item contains Supplemental 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. 31 speakers.

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m. and to continue Items 35, 36, and 38 to November 9, 2021.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: All Ayes.

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

Vote: All Ayes.

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

Vote: All Ayes.

Action Calendar – Public Hearings

Action: M/S/Failed (Hahn/Harrison) to 1) Refer the development of a local ADU Ordinance that only covers area outside of Fire Zones 2 and 3; and Zones 2 and 3 continue to be governed by state regulations at this time; Refer to the City Attorney development of a special ordinance for Zones 2 and 3 with specific findings regarding public safety needs; 2) Include 20 foot height by right and a 4 foot setback with no protrusions into the setback; 3) Prohibit roof decks; 4) Include the 3 foot setback from the proposal by Councilmember Kesarwani; 5) Do not include language regarding design standards; 6) Request staff to propose language on the notification of existing tenants; 7) Provide links to requirements in other comparable jurisdictions; 8) Consider an AUP process for ADUs that exceed standards but may still be allowed; 9) Provide information of the oak tree replacement concept.

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

Action: M/S/Carried (Kesarwani/Taplin) to:

- 1) Adopt the proposed recommendations from Councilmembers Kesarwani, Bartlett, Taplin, and Robinson contained in Supplemental Communications Packet #2 for area outside the Hillside Overlay District only.
- 2) Referral to the November 4 Legislative Platform Meeting, a discussion of ADU limitations in the Hillside Overlay District.
- 3) For the Hillside District, in light of the public hazards and life safety concerns, we refer to the City Manager and City Attorney for staff analysis and recommendations for a potential ordinance, Councilmember Wengraf's full list of recommendations (including the number of ADUs on a parcel) as well as the issue of ADU limitations where there is one access and egress route with a goal of returning within a month or less.
- 4) Refer to the City Manager and the City Attorney the proposal from Councilmember Robinson to consider the following language: "As part of their application, an applicant will attest to whether the lot on which the proposed ADU or JADU is to be built is occupied by tenants." Further, to consider creating a notification system for tenants of properties where an ADU is to be ministerially approved, including potentially by requiring in the code that property owners notify their tenants or by creating a staff-side notification process, and to explore other options to protect tenants, with special attention to elderly and disabled tenants.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:10 a.m.

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

Councilmember Harrison absent at 11:56 p.m.

Action Calendar – Public Hearings

33. Proposed Ordinance Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the second reading of Ordinance No. 7,788-N.S. 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.

First Reading Vote: All Ayes

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 9 speakers.

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

Vote: All Ayes.

Action: M/S/C (Wengraf/Droste) to adopt the second reading of Ordinance No. 7,788-N.S.

Vote: All Ayes.

Recess 7:57 p.m. – 8:12 p.m.

Action Calendar – Old Business

34. Identifying City Council Referrals for Removal *(Continued from October 12, 2021)*

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: 4 speakers. M/S/C (Arreguin/Droste) to approve the removal of the referrals in the item with the following changes:

- 1) Remove the Fair Chance Ordinance item (Arreguin)
- 2) Keep the Racism as a Public Health Threat item (Taplin)
- 3) Keep the Referral to Prevent Displacement item (Taplin)
- 4) Remove the five items identified by Councilmember Robinson in Supplemental Communications Packet #1 (Robinson)
- 5) Keep the AC Transit MOU item (Hahn)

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

Action Calendar – Old Business

- 35. Amending the Berkeley Election Reform Act (BERA) Relating to Officeholder Accounts** *(Reviewed by the Agenda & Rules Committee) (Continued from October 12, 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 35 continued to November 9, 2021.
- 36. Objective Standards Recommendations for Density, Design and Shadows** *(Continued from October 12, 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: Item 36 continued to November 9, 2021, including materials in Supplemental Communications Packet #1 and Supplemental material submitted at the meeting from Mayor Arreguin, Councilmembers Wengraf, Hahn, and Harrison.

Action Calendar – Old Business

37. **Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier** *(Continued from October 12, 2021)*
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: Moved to Consent Calendar. Adopted recommendation with revised letter as written in Supplemental Communications Packet #2 from Councilmember Taplin.
38. **Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley** *(Continued from October 12, 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 possible 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: Item 38 continued to November 9, 2021 including revised material submitted at the meeting from Councilmember Harrison.

Action Calendar – New Business

39. **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** *(Reviewed by the Budget & Finance Policy Committee)*
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: Item 39 continued to November 9, 2021.

Information Reports

40. Annual Commission Attendance and Meeting Frequency Report

From: City Manager

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

Action: Received and filed.

41. Senior Center Survey Results – Fiscal Year 2021

From: City Manager

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

Action: Received and filed.

42. Parks and Waterfront Commission Work Plan for 2021-2022

From: City Manager

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

Action: Received and filed.

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, Droste, Arreguin;

Noes – None; Abstain – None; Absent - Harrison.

Adjourned at 12:05 a.m.

Communications – October 26, 2021

Homelessness

1. Councilmember Taplin
2. Diana Bohn
3. Maria St. John
4. Alison Huetter
5. Hugh Fountain
6. Tim Southwick
7. Laura Menard
8. Councilmember Bartlett
9. Jae Wheeler

RV Parking

10. Maryann O'Sullivan
11. Diana Bohn
12. Mimi Mougovan
13. Yesica Prado

Street Paving Equity

- 14. Kelley Zito
- 15. Mikko Jokela
- 16. Lauren Gularte
- 17. Markus Feyh

Automated License Plate Readers (ALRP)

- 18. 18 similarly-worded from letters
- 19. Becca Schonberg

Affordable Housing Overlay

- 20. Alfred Twu
- 21. Nico Nagle, on behalf of the Housing Action Coalition

North Berkeley BART Zoning

- 22. Mary Rose

Leonard Powell Saga

- 23. Steve Martinot

Lori Droste's Interview Request

- 24. Jalaya

BUSD Student Vaccine Mandate

- 25. Nathan Shepard

Sugar-Sweetened Beverage Product Panel Experts Commission (SSBPPE)

- 26. Holly Scheider, Chairperson, SSBPPE Commission

City Vacant Positions

- 27. Margot Smith

Police Accountability Board, et al

- 28. Katherine Lee, Interim Director of Police Accountability (2)

Mask Mandate

- 29. Anne McClintock
- 30. COVID-19 Information Service, City of Berkeley
- 31. B. Beekman

UC Berkeley Adding 20,000 Students

- 32. Margot Smith

Sanctuary City and Motorola

- 33. B. Beekman

Mats in King Pool Locker Room

34. Katie Calvert

Public Toilets in Front of the People's Park Mural

35. Rachel Neuman

36. Diana Bohn

37. Amy Kimmel

38. Sylvia

39. Harvey Smith

40. Kelly Hammargren

41. Liam Garland, Director of Public Works

42. Carol Denney

43. Carrie Olson

44. Gar Smith

45. Marcia Poole

46. Councilmember Harrison

47. Maris Arnold

48. Deborah Green

49. Lisa Teague

50. Daniella Thompsin

51. Maureen Kildee

52. Lee Altenberg

53. Max Ventura

54. Andrea Prichett

55. Alan Steinbach

Bayer Healthcare – Public Hearing Notice

56. Alene Pearson, on behalf of Planning

URL's Only

57. Russbumber (2)

58. Vivian Warkentin

Supplemental Communications and Reports 1

Item #32: 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

59. Supplemental material, submitted by Councilmember Kesarwani

60. Doris Nassiry

61. Steven Segal

62. Cameron Woo

63. Christine Rosen

Item #34: Identifying City Council Referrals for Removal

64. Supplemental material, submitted by Councilmember Robinson

Item #36: Objective Standards Recommendation for Density, Design and Shadows

65. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 2

Item #23: Budget Referral: Reckless Driving and Sideshow Deterrence Improvements

66. Supplemental material, submitted by Councilmember Taplin

Item #27: Support Net Energy Metering

67. Todd and Linda Darling

Item #32: 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

68. Supplemental material, submitted by Councilmember Wengraf

69. Revised material, submitted by Councilmember Kesarwani

70. Gregory Fischer

71. Alfred Twu

72. Jeffrey Heller

73. Eric Johnson

74. Claudia Kawczynska

75. Michael Ely

76. Riti Dhesi

77. Oren Leiman

78. Mary Ann Wenger

79. Robert Sonderegger

80. Navarre Oaks

81. Cameron Woo

82. Michael Katz

83. Emily McAfee

84. Debra Sanderson, Co-chair, ADU Task Force

85. Karen Gilligan

86. Linda Schmidt

87. Tawny Reynolds

88. Kelly Hammargren

89. Elizabeth Snowden

90. Charles Smith

91. 30 similarly- worded form letters

Item #36: Objective Standards Recommendation for Density, Design and Shadows

92. Gary Weimberg

93. Eric Arens

94. James Grow

95. Elizabeth Ditmars

96. Gary Dahl
97. Charlene Woodcock
98. Jack Litewka
99. Rob Wrenn
100. Jane Graly
101. Sabina McMurtry
102. Daniel Caraco
103. Tom Graly
104. Paul Cox
105. Mischa Lorraine
106. Vincent Casalaina
107. Jane Tierney
108. Barbara Fisher
109. Theresa Gensler
110. Eva Herzer
111. Donna Mickleson
112. Greysonne Coomes
113. Steve Jackson and Kori Kody
114. Carla Woodworth
115. Kelly Hammargren
116. Sally Bean
117. Gregor and Rosa Hicks
118. Toni Mester
119. Linda Yen

Item #37: Letter to Senate Budget Committee Chair Sen. Skinner Regarding Berkeley Pier

120. Supplemental material, submitted by Councilmember Taplin
121. Amma Oduro
122. Nicholas Waton
123. Micaela Hardt
124. Eric Smith

Item #38: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

125. Masha Albrecht
126. Lisa Guis
127. David Otten
128. Marjorie Alvord
129. Daveed Mandell

Item 39: 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

130. Camille Antinori, on behalf of the Cal Sailing Club
131. Peter Kuhn (2)

- 132. Councilmember Harrison
- 133. Robert Ofsevit
- 134. Umair Khokhar

Supplemental Communications and Reports 3

Item #27: Support Net Energy Metering

- 135. Tawny Reynolds
- 136. Liam Herbert
- 137. Igor Tregub, on behalf of California Solar & Storage Association

Item #30: Budget Referral: Durant Parklet and Telegraph Plaza Improvements

- 138. Revised material, submitted by Councilmember Robinson

Item #31: Budget Referral: Telegraph Shared Streets Feasibility Study

- 139. Revised material, submitted by Councilmember Robinson

Item #32: 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

- 140. Presentation, submitted by Planning
- 141. 14 similarly-worded form letters
- 142. 124 similarly-worded form letters (Supp 2 comments)
- 143. Nancy Rader
- 144. Sharon Entwistle
- 145. David Parsons
- 146. Kristina Kessel
- 147. Trei Campbell
- 148. Philip and Sonya Hunt
- 149. Carol Dorf
- 150. Joann Sullivan
- 151. Barbara Fisher
- 152. Barry Eichengreen
- 153. Chris McKee
- 154. Jimmy Owens
- 155. Elsa Tranter
- 156. Brandin Roat
- 157. Barbara Davis
- 158. Robert Girling
- 159. Sarah Liu
- 160. Joan Wager
- 161. John Coveney
- 162. Ellen Greenblatt
- 163. Tetsu Tokunaga
- 164. James Jones
- 165. Schuyler Bailey
- 166. Maya Trilling

167. Lila Crutchfield
168. Jenny Wenk
169. Kathryn Snowden
170. Jo Ann Driscoll
171. Christopher Adams
172. Carolyn West
173. Mike Bank
174. Ben Buckman
175. Bruce Brody
176. Sally and Jonathan Francis
177. David Johnson
178. George Porter (3)
179. Cindy Larson
180. Gina Rieger
181. Robert Sonderegger
182. Karen Chernoff
183. William Foley
184. Helen Marcus
185. Robert Warden
186. Eileen Adams
187. John Parman
188. Karen Kissler
189. Carmelle Knudsen
190. Nigel Blair-Johns
191. Steve Jackson and Kori Kody
192. Carla Schneiderman
193. Brian Gilbane
194. Bonnie
195. Rachel Bradley
196. Bryce Nesbitt
197. Kathleen Weaver
198. Gail Machlis
199. Eric Friedman
200. Rachel Biale
201. Ellen Matthews
202. George Leitmann
203. Marissa Moss
204. Gail Greenwood
205. Cindy Rosenthal
206. Linda Aurichio
207. Karen Tobey
208. Diane Damonte
209. Jen Bilik
210. Connie Field
211. Ellen Archilla
212. Tami Boulet and Nick Rizza

213. Isaac Turiel
214. Natalie Leimkuhler
215. Pierre Divenyi
216. Robert Hoffman
217. Soufyane Zatla
218. Ryan O'Connell
219. Lee Bishop
220. Scott Scheffler
221. Gary Miguel
222. Hope Alper
223. Marjorie Fletcher
224. John and Nancy Lawrence
225. Jerry Skrainar
226. Kevin Powell
227. Shawn Drost
228. Carrie Kabat
229. David Thill
230. Paul Winsberg
231. Judith Tabb
232. Phyllis Olin
233. Fred Schlachter
234. Tony Hawthorne
235. Bryce Nesbitt
236. David Baxter
237. Kay Licina
238. Regina Stefaniak
239. Pablo Diza-Gutierrez
240. Gretchen Brandt
241. Naomi Pearce
242. Molly Raphael
243. Paula Morgan
244. Milton McClaskey
245. Christina Crowley
246. Paul Litsky
247. Jonathan Bailey
248. Melinda di Sessa
249. Shirley Issel
250. Jacques Watteyne
251. Bonnie Wade
252. Pamela Doolan
253. Melinda Derish and Cassius Scott
254. Lisa and Tim Goodman
255. Beth Feingold
256. Vanessa Bohm (2)
257. Richard Hirsch
258. Sylvia Conant

259. David Sochowitzky
260. Leah Isaacson
261. Doris Nassiry
262. Bianca Walser
263. Diane Tokugawa
264. Colin McRae
265. Ted Raphael
266. Susie Bailey
267. Victoria deMara
268. James Nelson
269. Candace and Rick Medress
270. Carol Valk
271. Jean Krois
272. Barbara Vaughan
273. Kim Sharrar
274. John Hitchen
275. Dave Savidge
276. Thomas Belfort
277. Shelley Izquierdo
278. David Feiten
279. Robert Dering and Gay Gale
280. George Porter
281. Shirley Issel
282. Diane Webershapiro

Item #33: Proposed Ordinance Amending Paragraph “NN” of Berkeley Municipal Code Section 19.48.020

283. Presentation, submitted by Fire

Item #36: Objective Standards Recommendation for Density, Design and Shadows

284. Supplemental material, submitted by Councilmember Hahn
285. Todd Darling
286. Wendy Alfsen
287. Keith Johnson
288. Linda Franklin
289. Rafa Sonnenfeld
290. Erin Diehm
291. Constance Rivemale
292. Deborah Kropp
293. Karen Weil
294. David Ushijima
295. Oren Cheyette
296. Richard Illgen
297. Thomas Lord
298. Councilmember Harrison

299. Mark Morris

Item #38: Budget Referral: Allocate General Fund Revenues to Support Pilot Program Offering Free AC Transit on Sundays in Berkeley

- 300. Supplemental material, submitted by Councilmember Harrison
- 301. Mary Lim-Lampe
- 302. MJ Baumann
- 303. Kevin Jude
- 304. Igor Tregub, on behalf of the Sierra Club

Item 39: 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

- 305. Gordon Wozniak, Chair of the Parks and Waterfront Commission