

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 16, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81458990553>. 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** and enter Meeting ID: **814 5899 0553**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 9:16 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourn in memory of all the victims of the COVID-19 pandemic
2. Adjourn in memory of the Victims of the June 16, 2015 Balcony Collapse
3. Adjourn in memory of recent victims of violence: Robert Fuller and Malcolm Harsch; Riah Milton and Dominique "Rem'Mie"; Sean Monterrosa

City Manager Comments: None

Public Comment on Non-Agenda Matters: 8 speakers.

Action: M/S/C (Arreguin/Harrison) to adopt temporary rules for the conduct of the meeting submitted by Mayor Arreguin revised to remove introductory comments.

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

Action: M/S/C (Arreguin/Wengraf) to add five urgency items to the agenda pursuant to Government Code Section 54954.2(b)(2).

- Outdoor Commerce (City Manager)
- Business Continuity Grant Program Funding (City Manager)
- Modification of 1956 Maintenance Agreement (City Manager)
- Analysis of Police Contractual and Legal Barriers (Councilmember Bartlett)
- Progressive Police Academy (Councilmember Bartlett)

Vote: All Ayes.

Consent Calendar

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

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

Vote: All Ayes.

Consent Calendar

Urgency Ordinance: Outdoor Dining and Commerce in the Public Right-of-Way

From: City Manager

Recommendation: Take the following actions to allow for increased outdoor dining and commerce in the public right-of-way: 1. Adopt an Urgency Ordinance revising BMC Section 14.48.190 *Parklets* and BMC Section 16.18 *Right of Way Encroachments and Encroachment Permits* to simplify the permitting process for parklets during a declared local emergency; and 2. Adopt an Urgency Ordinance revising BMC Section 14.48.150 *Sidewalk Seating* to expand the areas and scope of activities that may be permitted via a sidewalk seating permit during the term of a declared city emergency; and 3. Adopt a Resolution authorizing the City Manager to waive permit fees for one year for temporary structures and activities permitted in the public right of way permitted under *BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating* and Chapter 13.44 *Street Events and Block Parties*.

Contact: Jordan Klein, Economic Development Manager

Financial Implications: See report

Action: Adopted Ordinance No. 7,706–N.S. (Parklets), Ordinance No. 7,707–N.S. (Sidewalk Seating), Resolution No. 69,442–N.S. (Permit Fees)

Urgency Item: COVID-19 Business Continuity Grant Program Funding

From: City Manager

Recommendation: Adopt a Resolution accepting a \$704,000 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund, for distribution through the second phase of the COVID-19 Business Continuity Grant Program; and authorizing the City Manager to use the remainder of the City's \$1 million allocation to the first phase of the program to assist businesses to expand outdoor dining and commerce.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7000

Action: Adopted Resolution No. 69,443–N.S.

Urgency Item: Modification of 1956 Maintenance Agreement with Caltrans to add a new pedestrian overcrossing bridge at I-80 Gilman Interchange

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the 1956 Freeway Agreement with Caltrans to add proposed new pedestrian overcrossing bridge at I-80/Gilman Interchange.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,444–N.S.

Consent Calendar

Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform
From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and Councilmembers Kate Harrison (Co-Sponsor)

Recommendation: Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Approved recommendation.

Urgency Item: Safety for All: The George Floyd Community Safety Act - Development of a Progressive Police Academy
From: Councilmember Ben Bartlett (Author) and Mayor Jesse Arreguin (Co-Sponsor)

Recommendation: That the City Council refers to the Public Safety Committee to develop a progressive police academy and curriculum. That this progressive academy is hosted by the City of Berkeley and offered for use by the regional. The City should hire consultants and convene stakeholders including the Police Review Commission, a community task-force, and the Berkeley Police Department to create the academy's programmatic design. Once established, Berkeley Police Department recruits will attend this academy for basic training. The training program is intended to become revenue neutral. The program will be offered on a paid subscription basis to interested jurisdictions. Berkeley's progressive police academy envisions a curriculum that teaches recruits de-escalation, empathy, and the Critical Decision-Making Model (CDM). CDM encourages officers to challenge their biases, refrain from using force when possible, and build police-community trust. By reshaping police ideology through education, the City of Berkeley can tackle police brutality and police misconduct at their roots.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Councilmember Davila added as a co-sponsor. Approved recommendation.

Consent Calendar

- 1. Lease for 235 University Avenue – YOONACO, Inc. dba Hana Japan**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,703-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with YOONACO, Inc., doing business as Hana Japan Steak and Seafood, at 235 University Avenue at the Berkeley Marina for a term of five years, with a five year tenant-option.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,703-N.S.
- 2. Amendment and Assignment of Capital Contribution Agreement: 200 Marina Blvd, LLC for the Doubletree Hotel**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,705-N.S. approving an Amendment and Assignment of the City's Capital Contribution Agreement with 200 Marina Boulevard, Berkeley, LLC (200 Marina LLC) for the Doubletree Hotel, which would assign the agreement by 200 Marina LLC to its parent company, Apollo Bright, LLC (Apollo LLC), and change the payment schedule for the capital contribution from \$3M due in June 2020 to \$375,000 due in October 2020 and \$2,675,000 due upon Council approval of the Marina streets construction contract, estimated to be in January 2021. Apollo LLC's obligation to make the two capital contribution payments totaling \$3 million will be backed by an irrevocable standby letter of credit, which will be provided to the City upon execution of the amendment and assignment.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,705-N.S.
- 3. City Council Rules of Procedure and Order Revisions**
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the conduct of meetings during the COVID-19 declared emergency; add rules for the submission of late items pursuant to Government Code Section 54954.2(b); and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6000
Action: Adopted Resolution No. 69,445–N.S.

Consent Calendar

- 4. Appointment of Director of Public Works**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Liam Garland as the Director of the Public Works Department to be effective July 13, 2020, at an annual salary of \$205,000.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 69,446–N.S.
- 5. Urgency Ordinance Declaring a Local Fiscal Emergency In Response to the Novel Coronavirus (COVID-19) Pandemic**
From: City Manager
Recommendation: Adopt an Urgency Ordinance declaring a fiscal emergency in response to the COVID-19 pandemic as required by Council policy to be able to access the General Fund Stability Reserve to cover deficits.
Financial Implications: See report
Contact: Dave White, City Manager’s Office, (510) 981-7000
Action: Adopted Ordinance No. 7,708-N.S.
- 6. Amendment to Contract No. 108410-1: Paw Fund for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108410-1 with Paw Fund allocating \$11,906 to provide no cost spay and neuter surgeries to eligible pet owners for FY 2021, with a total contract amount not to exceed \$107,154.
Financial Implications: See report
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,447–N.S.
- 7. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Report of FY20 and preliminary budget for FY21 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners’ Association.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,448–N.S.
- 8. Temporary Appropriations FY 2021**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2020, until the effective date of the FY 2021 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,449–N.S.

Consent Calendar

- 9. FY 2021 Tax Rate: Fund Disaster Fire Protection (Measure Q)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,709-N.S. Second reading scheduled for June 30, 2020.
- 10. FY 2021 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0070%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,710-N.S. Second reading scheduled for June 30, 2020.
- 11. FY 2021 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,711-N.S. Second reading scheduled for June 30, 2020.
- 12. FY 2021 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0140%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,712-N.S. Second reading scheduled for June 30, 2020.

Consent Calendar

- 13. FY 2021 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of Library Services in the City of Berkeley at the FY 2020 tax rate adopted by Ordinance No. 7,665-N.S. on June 11, 2019 at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Elliot Warren, Library, (510) 981-6100
Action: Adopted first reading of Ordinance No. 7,713-N.S. Second reading scheduled for June 30, 2020.
- 14. FY 2021 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for Business License Tax on large non-profits at \$0.6659 (66.59 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,714-N.S. Second reading scheduled for June 30, 2020.
- 15. FY 2021 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0090%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,715-N.S. Second reading scheduled for June 30, 2020.
- 16. FY 2021 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0080%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,716-N.S. Second reading scheduled for June 30, 2020.

Consent Calendar

- 17. FY 2021 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1793 (17.93 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,717-N.S. Second reading scheduled for June 30, 2020.
- 18. FY 2021 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of emergency services for the disabled at \$0.01699 (1.699 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,718-N.S. Second reading scheduled for June 30, 2020.
- 19. FY 2021 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2021 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0397 (3.97 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,719-N.S. Second reading scheduled for June 30, 2020.
- 20. Contract No. 31900043 Amendment: Kings View for Mental Health Reporting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900043 with Kings View to provide mental health reporting services through June 30, 2022, in an amount not to exceed \$106,428.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,450–N.S.

Consent Calendar

- 21. Authorize the City Manager to Submit LEAP Planning Grants Program Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application for the state Local Early Action Planning (LEAP) grant program in the amount of \$500,000, and to execute documents or amendments once the grant is awarded.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,451–N.S.
- 22. Contract No. 8219C Amendment: Ecology Center, Inc. for Residential Curbside Recycling Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend Ecology Center, Inc.'s Contract No. 8219C and increase the current Contract to include: \$210,090 for the purchase of 1600 new recycling carts, and \$3,850,384 to fund one (1) additional year of residential curbside recycling collection services. With the Amendment increase of \$4,060,474, the Contract's not to exceed amount is \$39,643,153 and will extend the Contract term for one year (1) year from July 1, 2020 through June 30, 2021.
Financial Implications: Zero Waste Fund - \$4,060,474
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,452–N.S.

Council Consent Items

- 23. Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation:
1. Refer to the Fiscal Year 2021 Budget Process, up to \$1,000,000 of General Fund revenues (depending on need and available revenues) derived from Measure U1 tax receipts to replenish funding for the Housing Retention Program that will be exhausted due to significant demand resulting from housing security faced by residents during the COVID-19 pandemic; and
2. Direct the City Manager to identify resources to develop a Basic Needs Fund to support undocumented Berkeley residents who are ineligible for other forms of assistance, including assistance under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and pandemic unemployment benefits, because of their immigration status, and refer an amount up to \$250,000 to the FY 21 Budget Process.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

24. Lessons Learned in Organizational Management During Crisis

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

Recommendation: Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions.

Financial Implications: Staff time

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

Action: Councilmembers Hahn and Wengraf added as co-sponsors. Approved recommendation.

25. Supporting the United States and Cuba Collaboration in Fighting COVID-19

From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)

Recommendation:

1. Adopt a Resolution supporting the United States and Cuba collaboration in fighting COVID-19; and
2. Send copies of this resolution to United States Senators Dianne Feinstein and Kamala Harris and United States Congresswoman Barbara Lee.

Financial Implications: None

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

Action: 1. Adopted Resolution No. 69,453–N.S. 2. Approved recommendation.

Action Calendar – Public Hearings

26. Re-Establishment of the North Shattuck Business Improvement District From: City Manager

Recommendation:

1. Conduct a public hearing on the re-establishment of the North Shattuck Business Improvement District (NSBID or “the District”).
2. Upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt two Resolutions:
 - a. Re-establishing the NSBID for the ten-year period beginning July 1, 2020 and ending June 30, 2030, and levying assessments on properties within the District for fiscal year 2021.
 - b. Authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association (NSA or “the Association”) not to exceed \$2,652,778 of NSBID funds to support the North Shattuck area for the period July 1, 2020 to June 30, 2030 (FYs 21-30), through the expiration of the NSBID.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison (Recused – lives within 500 feet of District)

Action: The ballots were tabulated according to their weighted value and the weighted “Yes” vote was 60.22% and the weighted “No” vote was 39.78%, thus exceeding the 50% threshold for approval. M/S/C (Arreguin/Droste) to:

1. Adopt Resolution No. 69,454–N.S. (Re-establishing the NSBID)
2. Adopt Resolution No. 69,455–N.S. (Contract)

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

Action Calendar – Public Hearings

27. Levy and Collection of FY 2021 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2021.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 69,456–N.S. (District No. 1982-1)

2. Adopt Resolution No. 69,457–N.S. (District 2018)

Vote: All Ayes.

28. Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25J and Section 25M by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 2900 block of Lorina Street in RPP Area N and both sides of the 3100 block of Deakin Street in Area M.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

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

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

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – lives within proposed RPP area)

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,458–N.S.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – lives within proposed RPP area)

Action Calendar – New Business

29. ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0070 to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces, and dismiss the appeal.

Financial Implications:

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

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

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

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

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Hahn) to adopt Resolution No. 69,459–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0070 to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces, and dismiss the appeal.

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

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

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

Action Calendar – Continued Business

A. Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews

(Continued from June 9, 2020)

From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:

a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;

b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and

c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.

2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.

3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action: Item A continued to July 14, 2020.

Action Calendar – Continued Business

B. Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development *(Item Contains Supplemental Material) (Continued from June 9, 2020)*

From: City Manager

Recommendation: Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.

Financial Implications: See report

Contact: David White, City Manager's Office, 981-7000

Action: 5 speakers. M/S/C (Arreguin/Harrison) to provide the following direction to the City Manager regarding ballot measures to be developed.

- Parcel tax measure for Wildfire Prevention and Fire & Emergency Services (Survey Options 1 and 2) at a total cost to the average home of \$199/year or less.
- A per-ride tax (general tax) on Transportation Network Company rides of 50 cents for individual rides and 25 cents for shared rides.
- A tax measure to increase the Utility Users' Tax by 2.5% with potential authority to raise the gas portion of the tax to support climate equity efforts, and designate an advisory body to make recommendations on expenditures.

Vote: All Ayes.

C. Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers *(Continued from June 9, 2020)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: None

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

Action: M/S/C (Arreguin/Wengraf) to continue Items C, D, E, and 30 to June 30, 2020.

Vote: All Ayes.

Action Calendar – Continued Business

- D. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** *(Continued from June 9, 2020)*

From: Energy Commission

Recommendation: The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel free, and to respond to the Climate Emergency.

Financial Implications: See report.

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: Item D, including supplemental material from Councilmember Harrison, continued to June 30, 2020.

- E. Proposed Amendment to Berkeley’s Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** *(Continued from June 9, 2020)*

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.

Financial Implications: See report

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

Action: Item E continued to June 30, 2020.

Action Calendar – New Business

- 30. Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article VII of the City Charter regarding the residency requirement for sworn members of the Fire Department to a vote of the electors at the November 3, 2020 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: Item 30 continued to June 30, 2020.

Action Calendar – New Business

- 31. Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition** *(Continued from May 26, 2020)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CycloMedia Technology Incorporated for Geographic Information System infrastructure asset data acquisition, for an amount not to exceed \$187,401 for the period commencing on May 15, 2020 to June 30, 2022.
Financial Implications: Various Funds - \$187,401
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Item 31 continued to June 30, 2020.

Information Reports

- 32. Refunding of \$7,790,000 City of Berkeley 2020 Refunding General Obligation Bonds, Series A; Refunding of \$11,690,000 City of Berkeley 2020 Refunding General Obligation Bonds, Series B; and Issuance of \$38,000,000 City of Berkeley 2020 General Obligations Bonds (Post Sale Report)**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
- 33. FY 2020 Second Quarter Investment Report: Ended December 31, 2019**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Item 33 continued to June 23, 2020
- 34. FY 2020 Third Quarter Investment Report: Ended March 31, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Item 34 continued to June 23, 2020

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

Adjournment

Adjourned at 12:10 a.m.

Communications

Rent Control Exemptions for ADU/Eviction Good Cause Ordinance

1. John Caner
2. Shawn Fritz
3. Gail Martin
4. Anne Whyte (2)
5. Judy Hunt

6. Judy MacLean
7. Evelina Nava, on behalf of the East Bay Community Law Center
8. Aashan Avachat
9. Mark Yarn
10. Nicola Bourne
11. Erik Dreher
12. Alfred Twu, on behalf of California Renters Caucus
13. Laverde Paola
14. Deborah Malbec
15. Judi Sui
16. Erik Dreher
17. 14 similarly worded form letters

Covid-19 – General

18. David Lerman (6)
19. Jane Scantlebury
20. Becky O'Malley
21. Marc Bodian
22. Thomas Lord (2)
23. Chimey Lee
24. Dorothea Dorenz
25. Bryce Nesbitt
26. Barbara Gilbert
27. Danielle Hall

George Floyd/PRC/Police

28. George Lippman (2)
29. Erica Etelson
30. Kitty Calavita
31. Tom Luce
32. Dee Williams-Ridley, City Manager
33. Margy Wilkinson
34. Jesse Arreguin, Mayor
35. Maris Arnold
36. Tess Clabby
37. Nellie Graham

Trump=Nazi Graffiti

38. Rabbi Adam and Elena Naftalin-Kelman (2)
39. Councilmember Wengraf

Seismic Retrofits Fee Waivers

40. Bryce Nesbitt

5G

41. Jose Arau

- 42. Max Ventura
- 43. Rachel Pachiva

African American Holistic Resource Center

- 44. Mansour Id-Deen

Harriet Tubman Terrace

- 45. Darinxoso Oyamasela

Habitot Children's Museum

- 46. Gina Moreland, Executive Director

ADA

- 47. Jenny Miller (3)
- 48. Dominika Bednarska, Disability Specialist for the City of Berkeley (2)

Sewer Service Fees

- 49. Henry Oyekanmi, Finance Director for the City of Berkeley

Public Comment for Agenda Meeting

- 50. Carole Marasovic

Supplemental Communications and Reports 1

Item #23: Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund

- 51. Northern California Land Trust

Item #25: Supporting the United States and Cuba Collaboration in Fighting Covid-19

- 52. Alicia Jrapko

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

- 53. Lucie Bacho
- 54. Jacob Price

Supplemental Communications and Reports 2

Item #25: Supporting the United States and Cuba Collaboration in Fighting Covid-19

- 55. Diana Bohn

Item #28: Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

- 56. John Lee
- 57. Anonymous

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

- 58. 56 identical and/or similarly worded form letters
- 59. Sonja Trauss, on behalf of YIMBY Law
- 60. John Parman
- 61. Olga and Martin Schwartz

62. Alan Saldich

63. Alex Knox, on behalf of the Telegraph Business Improvement District

Item #C: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

64. Chris Hogan

Supplemental Communications and Reports 3

Item #4: Appointment of Director of Public Works

65. Ben Gerhardstein, on behalf of Walk Bike Berkeley

Item #23: Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Fund

66. Andrea Henson

67. Rafael Jesus Gonzalez

68. Laura Rivas

Item #28: Implement Residential Preferential Parking (RPP) Program on the 2900 Block of Lorina Street and the 3100 Block of Deakin Street

69. Bill Walzer

70. John Hamilton

Item #29: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

71. Derek Imai, on behalf of ASUC

72. Jessica Adler

73. Paul Bickmore

74. Dexter Thomas

Item #D: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral

75. Revised material, submitted by Councilmember Harrison

76. Holly Schneider

77. Terry Taplin

Item #31: Contract: CycloMedia Technology,, Inc. for Geographic Information System Infrastructure Asset Data Acquisition

78. Bryce Nesbitt

Urgency Items

Outdoor Dining and Commerce in the Public Right-of-Way

79. Urgent item, submitted by the City Manager's Office

Modification of 1956 Maintenance Agreement with Caltrans to Add a New Pedestrian Overcrossing Bridge at I-80 Gilman Interchange

80. Urgent item, submitted by the City Manager's Office

Business Continuity Grant Program Funding

81. Urgent item, submitted by the City Manager's Office

Safety for All: The George Floyd Community Safety Act – City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform

82. Urgent item, submitted by Councilmember Bartlett

Safety for All: The George Floyd Community Safety Act – Development of a Progressive Police Academy

83. Urgent item, submitted by Councilmember Bartlett

Miscellaneous Communications

1921 Walnut Street and UC Redevelopment

84. Natalie Logusch, on behalf of the 1921 Walnut Street Association

San Francisco is Leading

85. Alexandra Rodgers

Multiple Topics

86. Michai Freeman