

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, February 23, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81676274736>. 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: 816 7627 4736. 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:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,753-N.S. amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

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

Financial Implications: See report

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

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of January 19, 2021 (closed, special and regular), January 21, 2021 (special), January 25, 2021 (closed), January 26, 2021 (closed, special and regular) and January 28, 2021 (closed).

Financial Implications: None

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

3. Contract: Mildred Howard Sculpture Commission

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$210,000, and any amendments thereto, with Mildred Howard for a public art commission of a sculpture for the preferred location at the triangular green space on the northern side of the intersection of Adeline Street and Martin Luther King Jr. Way.

Financial Implications: Cultural Trust Fund - \$210,000

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 23, 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: Various Funds - \$400,000

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

Consent Calendar

- 5. Contract No. 104289-1 Amendment: Jackson & Coker for Locums Tenens Psychiatrists**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 104289-1 with Jackson & Coker Locum Tenens, LLC to provide Locum Tenens Psychiatrists through June 30, 2024 in an amount not to exceed \$964,480. This amendment will add three years to the contract term and \$564,480 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. California Community Housing Agency Middle Income Rental Housing Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City to become an Additional Member of the California Community Housing Agency (CalCHA), a Joint Powers Authority; supporting CalCHA's issuance of tax-exempt bonds for the production, preservation, and protection of essential middle-income rental housing; and authorizing the City Manager to enter into purchase option agreements with CalCHA for middle-income rental housing created within City limits.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc., increasing the amount by \$118,610 for a total contract value not to exceed \$820,937 and extending the term from September 30, 2010 through June 30, 2022.
Financial Implications: General Fund - \$118,610
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 8. Contract No. 32100060 Amendment: RevolutionCyber, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No 32100060 with RevolutionCyber, LLC for additional professional services to develop the policies and procedures for the City's Data Safety program, for an amount not to exceed \$77,050 and a total contract value not to exceed \$102,025 from November 13, 2020 through June 30, 2022.
Financial Implications: General Fund - \$77,050
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

9. **Presidio Network Solutions Group, LLC: Using California National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Pricing Agreement for Networking Hardware, Software, and Service Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Presidio Networked Solutions Group, LLC (“Presidio”) for the purchase of network equipment hardware, software, and installation services, using NASPO ValuePoint’s purchasing agreement number CA#7-14-70-04 for the period beginning March 1, 2021 to June 30, 2022 for an amount not-to-exceed (NTE) \$530,000.
Financial Implications: IT Cost Allocation Fund - \$530,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
10. **License Agreement: Patpatia & Associates, Inc. for 125-127 University Ave. Office Space**
From: City Manager
Recommendation: Adopt a Resolution to execute a short term license agreement with Patpatia & Associates, Inc. to license 2nd floor office space located at 125-127 University Ave from March 1, 2021 through April 30, 2021.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
11. **Lease Agreement: Patpatia & Associates, Inc. for 125-127 University Ave. Office Space**
From: City Manager
Recommendation: Adopt first reading of an Ordinance executing a lease agreement with Patpatia & Associates, Inc. to lease 2nd floor office space located at 125-127 University Ave. The lease term is anticipated to begin May 1, 2021 and end April 30, 2024.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
12. **Contracts: Interface Engineering, Inc. and Salas O’Brien Engineers, Inc. for On-Call Citywide Electrical Engineering Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute a contract and any amendments with the following firms for On-Call Electrical Engineering Services for City-owned facilities in support of the City’s annual Facilities Capital Improvement Program, each for the period April 1, 2021 through December 31, 2024:
1. Interface Engineering, Inc., for an amount not to exceed \$150,000.
2. Salas O’Brien Engineers, Inc., for an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 13. Contract No. 112783-1 Amendment: LAZ Parking LLC for Managing City-Owned Off-Street Parking Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112783-1 (Contract No. 10413A in FUND\$) with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street Garages, extending the term to December 31, 2022 and increasing the contract amount by \$3,556,756 for a total not-to-exceed of \$11,089,951.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 14. Purchase Order: Pape Machinery, Inc. for One (1) John Deere 644L Hybrid Wheel Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell Contract No.032119-JDC and authorizing the City Manager to execute a purchase order for one (1) John Deere 644L Hybrid Wheel Loader with Pape Machinery, Inc. in an amount not to exceed \$468,700.
Financial Implications: Equipment Replacement Fund - \$468,700
Contact: Liam Garland, Public Works, (510) 981-6300
- 15. Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractors Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,200,000.
Financial Implications: Equipment Replacement Fund - \$1,200,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Agreements with Union Pacific for Reimbursement for Construction of Safety Improvements for Pedestrians, Cyclists and Vehicular Traffic**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute reimbursement agreements and any amendments with Union Pacific Railroad Company to cause the Pacific Railroad Company to construct all necessary elements of the Gilman Interchange Improvement Project within the railroad easement subject to reimbursement by the City for actual costs incurred in connection with traffic safety improvement work at Gilman Street and at Camelia Street railroad crossings.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

17. Service Animals Welcome Training *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

From: Commission on Disability

Recommendation: That the City Council refer to the City Manager a request to implement education and training provisions of the Service Animals Welcome Policy and Program:

a. Work with Business Improvement Districts and Commercial District Organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business.

b. Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required staff training on non-discrimination under applicable federal, state and local statutes, regulations and policies.

c. Provide necessary and adequate support to the Disability Compliance Program. *(On January 25, 2021, the Health, Life Enrichment, Equity and Community Policy Committee made a qualified positive recommendation to send the item to Council with the recommendation to take the following action: Refer to the City Manager to review existing information provided to businesses on the Service Animals Welcome Policy and Program as well as other information related to the rights of people with disabilities (pursuant to the Americans with Disabilities Act) and to continue efforts to create an online training.*

Further, refer to the City Manager to: (a.) Work with Business Improvement Districts, the Chamber of Commerce, and other business organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business and the rights of people with disabilities, using, for example, the business license renewal as an opportunity to communicate to businesses; (b) Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required City staff training on nondiscrimination under applicable federal, state, and local statutes, regulations and policies. (c) Provide necessary and adequate support to the Disability Compliance Program.)

Financial Implications: Staff time

Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300

Consent Calendar

- 18. Prohibition on the Use of City Streets for Operating, Parking, or Idling Combustion Vehicles by 2045** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Community Environmental Advisory Commission
Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the use of City-owned streets for the operation, parking, or idling of combustion vehicles beginning in 2045, and establishing an offset-driven fee-based enforcement mechanism.
(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that the Council take no action on the item but to provide the item to staff as background for consideration, particularly as the Federal landscape changes under the new administration and to explore whether the City has the legal authority to pursue.)
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
- 19. Prohibition on the Sale of Gasoline, Diesel, and Other Carbon-Based Transportation Fuels by 2045** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Community Environmental Advisory Commission
Recommendation:
Review and refer to the City Attorney for finalization the attached ordinance prohibiting the sale of gasoline, diesel, and other carbon-based transportation fuels effective January 1st, 2045.
(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that Council take no action on the item but to provide the item to staff as background for consideration, particularly as the Federal landscape changes under the new administration and to explore whether the City has the legal authority to pursue.)
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Consent Calendar

20. **Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12** *(Reviewed by the Agenda & Rules Committee. Item contains supplemental material.)*

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

(On January 25, 2021, the Agenda and Rules Committee made a qualified positive recommendation to send the item to the City Council with the recommendation that the Council take no action on the item, but to refer the concepts and materials to the Agenda & Rules Committee for discussion with representatives of the commission on the item entitled "Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.).")

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

21. **Relinquishments and grants from Councilmembers' office budgets** *(Reviewed by the Agenda & Rules Committee)*

From: Open Government Commission

Recommendation: Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission ("OGC") to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.

(On January 25, 2021, the Agenda and Rules Committee made a qualified positive recommendation to send the item to the City Council with the recommendation that the Council take no action on the item, but to designate the Agenda & Rules Committee as the entity to engage with the commission on the item entitled "Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.).")

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

22. **Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa**

From: Peace and Justice Commission

Recommendation: Adopt a Resolution opposing new U.S. base construction in the Hemoko-Oura Bay of Okinawa.

Financial Implications: Minimal

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Council Consent Items

23. **Initiate a Citywide, Regional and International Just Transition to a Regenerative Economy to Address the Climate Emergency** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Item contains revised and supplemental material.)*

From: Councilmember Davila (Author)

Recommendation: Adopt a resolution taking the following actions:

- 1) The City of Berkeley shall initiate a citywide, regional and international Just Transition to a Regenerative Economy
- 2) The City of Berkeley will work with cities, counties, and institutions such as the UC system to form a joint powers authority regional and statewide task force to oversee a justice and public safety-oriented - scientifically grounded - transition to a regenerative economy here in the Bay Area to be sustained until 2050; and
- 3) The City of Berkeley commits to being regenerative, recognizing that attempting to be sustainable is not enough to protect residents from cumulative impacts of centuries of environmental and social degradation and instead will reorient its city planning, policy, governance culture, and resource allocation to improve public and environmental health, be participatory and will invest in a centuries long regenerative whole city culture, infrastructure, policy, development and design process; and
- 4) The City of Berkeley shall adopt doughnut economics and implement it's associated methodology to assess sustainability which, by definition, recognizes the necessity of meeting the needs of residents within the carrying capacity of our planet Earth and the greater Bay Area bioregion; and
- 5) The City Council directs the City manager to develop a set of ordinances to ensure zero-waste, cradle to cradle, non-toxic, earth friendly non-essential consumer based products are sold within city limits by 2030 with special exception to non-replaceable items for which a sustainable alternative is either unavailable or too expensive for low income residents to afford, critical infrastructure, medical devices and other such life dependent items;
- 6) The City of Berkeley shall suspend any and all projects and policies that are incompatible with protecting the earth and people from further environmental degradation, social inequality, public health risks, and global warming; and
- 7) The City of Berkeley calls for regional agencies, cities, and counties to agree on a shared definition of the Bay Area's bioregion (s), to define the shared limits of our bio-region's carrying capacity and to organize our governance to be bio-regionally regenerative, sustainable, and to define a developmental trajectory that maximizes the health and vitality of the ecosystems, wildlife, and people for generations to come; and
- 8) The City of Berkeley identifies our current economy with its focus on near-term perpetual growth requiring resource extraction and wealth enclosure as defunct and incompatible with the needs of sustainability, human thriving, and dignity, and calls for a new economic system which in its design meets human needs within planetary and local environmental and social boundaries of wellbeing and furthers human and ecological flourishing, furthers a regenerative human presence on earth, achieves equitable distribution of resources throughout the planet, and achieves sustainability through a just and regenerative transition to restore a safe climate and adapt to further warming in the near and long term; and

Council Consent Items

9) The City of Berkeley recognizes the importance of Indigenous leadership in designing and implementing a regenerative economy in Berkeley, the greater Bay Area, and the World, and shall invite delegates from Indigenous communities to all stages of the planning and implementation process.

(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that Council take no action on the item.)

Financial Implications: See report

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

24. Create and Support an Adopt an Unhoused community program *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a resolution to create and support neighborhood volunteers and community groups adopting an encampment, street campers, RV / Vehicle community, located along University Avenue/ Shattuck Avenue / Adeline corridor/ San Pablo Avenue and other areas throughout the City.

2. Short term referral to the City Manager and/or designee(s) to present to the City Council in 90 days: how to implement the program modeled after the City of Oakland Adopt a Spot Program, identify a community based organization to oversee the volunteers, know what is needed to adequately implement these efforts, including different organizational structure options.

(On January 25, 2021, the Health, Life Enrichment, Equity and Community Committee made a qualified positive recommendation to send the item to Council to take the following action: Refer to the City Manager to consider inclusion of homeless encampments in the existing "Adopt a Spot" referral to the Public Works Commission and Parks, Recreation, and Waterfront Commission once the "Adopt a Spot" program has been established.)

Financial Implications: See report

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

Council Consent Items

25. Amend Berkeley's Property Tax Measures and Restore Tax Equity by Changing the Square Footage Tax Imposition through a Comprehensive Verification Process *(Reviewed by the Budget and Finance Policy Committee)*

From: Councilmember Bartlett (Author)

Recommendation: In order to correct inequitable and inconsistently applied rates of property tax assessments, and to ensure that outstanding revenues due to the City are paid, the Finance Department should conduct a comprehensive verification analysis. This process will update and bring the city's taxable square footage database into alignment with Planning's building area database. Through this verification, the City shall also reconcile with the Alameda County Assessor's Public Roll to ensure that the City's tax database is up-to-date and accurate. This reconciliation will restore tax equity, which has been desired by Berkeley voters, while also unifying standards, protocols and terminology between departments. The City should adopt the following habitability criteria for taxation purposes:

1. Taxable space must have manufactured flooring. If the understory has dirt base, it shall not be taxed (Uniform Building Code R502 – floor material requirement).
(Acceptable proof: photo)

2. Taxable basement space must be of required height clearance. If understory has proper flooring and is of limited height, 6' 8" or less, with 6'4" allowance for ducting, then it shall not be taxed (Uniform Building Code R305 – basement height requirement) (Acceptable proof: photo with measuring tape)

3. Taxable attic space must have required height clearance. If finished attic, only areas of 6'4" height or more is taxed for city assessments (Acceptable proof: photo with measuring tape)

4. City of Berkeley shall post the property's taxable square footage in at least 12 point font on the City's Parcel Viewer page. City of Berkeley shall disclose the potential increase to taxable square footage liability for the taxpayer when application for building addition is made.

5. City of Berkeley shall make public the taxable square footage liability of the proposed finished building to the community when a Zoning Adjustments Board application is made.

6. City of Berkeley shall disclose a property's taxable square footage in writing to a property owner or interested buyer, upon request.

7. If the taxpayer requests a correction on the square footage assessments, and the space in question does not align with the above taxability requirements, the taxpayer shall be entitled to a refund on all 9 city and schools assessments for the previous four full years of taxes (Civil Code 5097). Requests for correction shall be allowed at any time.

(On January 28, 2021, the Budget and Finance Committee made a negative recommendation to send the item to Council with the recommendation that Council take no action and for Councilmember Harrison to work with Councilmember Bartlett on another item addressing the broader policy issues surrounding this item.)

Financial Implications: See report

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

Council Consent Items

26. **“Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue** *(Reviewed by the Budget and Finance Committee)*

From: Councilmember Bartlett (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a resolution allocating approximately \$900,000 per year for 10 years, as well as a one-time allocation of approximately \$32,975 from Measure P transfer tax receipts to support the lease and operation of a new permanent supportive housing project for the homeless at 1367 University Avenue. This resolution is put forward out of consideration that the City Council has already approved in its FY 2020-21 budget—on June 30, 2020—an allocation of \$2.5 million for permanent housing subsidy, a portion of which is available to be spent on the 1367 University Avenue project.

Refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding for the 1367 University project and to set priorities for other Measure P-funded programs and services as part of the mid-year budget process.

(On January 28, 2021, the Budget and Finance Policy Committee made a qualified positive recommendation to send the item to Council with the recommendation to confirm the availability of revenues as approved by Council on October 13, 2020, for the 1367 University project and note that the Committee will discuss Measure P allocations in the FY 2022 budget development process.)

Financial Implications: See report

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

27. **Virtual Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

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

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Wengraf, to support the City’s Annual Holocaust Remembrance Day program with funds relinquished to the City’s general fund. The relinquishment of funds from Councilmember Wengraf’s discretionary Council Office Budget and all other Councilmembers who would like to contribute allows the City of Berkeley to invite the community to the City’s Virtual 19th Annual Holocaust Remembrance Day program, put together by the community with Council support. This year’s program will be held on April 8, 2021.

Financial Implications: Councilmember's Discretionary Funds - \$250

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

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.

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. 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.

28a. Public Hearing: ZAB Appeal: 1850 Arch Street, Use Permit #ZP2019-0212

From: City Manager

Recommendation: Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0212 to reconfigure the interior of the existing building to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street.

Financial Implications: None

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

28b. Public Hearing: ZAB Appeal: 1862 Arch Street, Use Permits #ZP2019-0213

From: City Manager

Recommendation: Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0213 to reconfigure the interior of the existing building to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street.

Financial Implications: None

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

Action Calendar – Public Hearings

28c. ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213

From: City Manager

Recommendation: Upon conclusion of the agendaized public hearings, adopt two Resolutions affirming the Zoning Adjustments Board (ZAB) decisions to approve Use Permits #ZP2019-0212 and ZP2019-0213 to reconfigure the interiors of the existing buildings to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street, to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street, and dismissing the appeals.

Financial Implications: None

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

Council Action Items

29. Resolution to End Exclusionary Zoning in Berkeley

From: Councilmember Droste (Author), Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Robinson (Author)

Recommendation: Adopt a resolution to state Berkeley City Council's intent to end exclusionary zoning in Berkeley by December of 2022.

Financial Implications: None

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Information Reports

30. FY 2022 Budget Development

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

31. City Council Short Term Referral Process – Quarterly Update

From: City Manager

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

32. Partnership for the Bay's Future and Current Anti-Displacement Initiatives

From: City Manager

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

33. FY2021 Public Art Plan and Budgets

From: Civic Arts Commission

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

34. Community Environmental Advisory Commission 2021 Work Plan

From: Community Environmental Advisory Commission

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Information Reports

35. **2021 Housing Advisory Commission Work Plan**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.
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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 10, 2021.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Item #22: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa**

1. Diana Bohn and Igor Tregub
2. Wesley Ueunten
3. Scott Tshchitani
4. Ronald Nakasone
5. Travis Seifman
6. Vanessa Peixoto de Souza
7. Risako Sakai
8. Betty Kano
9. Diana Bohn
10. Hideki Yoshikawa
11. Leanne Isley
12. Marisa Kanemoto
13. Gwendolyn Andrews
14. Cristian Izquierdo
15. Lyn Ishizaki
16. Maya Adachi
17. Blythe Nishi
18. Maxwell Ho
19. Erica Ishijima
20. Joseph Tsuboi
21. Mark Fujiwara
22. Jane Yamashiro
23. Yumi Kobayashi
24. Elena Harumi Nielsen
25. Kelsey Ichikawa
26. Hisayo Kinjo
27. Gwyn Kirk
28. Miya Sommers
29. Jean Yonemura Wing
30. Sherry Schafer

### **Quadplex Zoning**

31. Alfred Twu

### **Elimination of Racially Restrictive Covenants from Alameda County Property Deeds**

32. Richard Valle, Board of Supervisors, District 2

### **COVID-19//Vaccinations//Masks**

33. Anne McClintock

34. Jeannette MacMillan

35. Katy Love

36. Ben Gerhardstein

37. Megha Charalambides

38. Sylvia

39. Paola Laverde

40. Ginger Ogle

41. David Lerman (2)

42. Councilmember Hahn (2)

43. Niki

44. City of Berkeley COVID-19 Information Services

45. Margot Smith

46. Carol Denney

47. Julia Lang, on behalf of Street Teams

### **Reorganization of Commissions**

48. Janice Schroeder (2)

49. David Schroeder

50. MJ Baumann

51. Ellen Brotsky

52. Bernard Marszalek

53. Thomas Luce

54. Alex Mabanta

55. George Lippman

56. Lee Bishop

57. Michael Goldhaber

58. Elisabeth Watson

### **More Homes at the North Berkeley BART**

59. Sandy Emerson

60. Adam Rogers

61. Jenny Johnston

62. Franklin Lei

63. Mel Weitsman

64. Forest Kaser

65. Barry Fike

66. Reynaldo Santa Cruz

- 67. Oren Cheyette
- 68. Phil Soffer
- 69. Mark Rhoades
- 70. David Mar
- 71. Phyllis Orrick
- 72. Andrea Altschuler
- 73. Mary Nash
- 74. Paul Bickmore
- 75. Laura Magnani
- 76. Mary Behm-Steinberg
- 77. 14 similarly worded form letters (I live in)
- 78. 6 similarly worded form letters (6 points)

#### **Horse Fatality at Golden Gate Fields**

- 79. Joe Kaplan

#### **TOPA (Tenants Opportunity to Purchase Act)**

- 80. Ilona Clark
- 81. taptango@
- 82. George

#### **School Reopening**

- 83. Laura Babitt
- 84. Nick Zahariadis
- 85. Shelene Stine and Rohini Haar

#### **Systemic Racism**

- 86. Aimee Baldwin
- 87. WD Flient

#### **Eucalyptus Grove at 1120-1140 Cragmont Avenue**

- 88. Vadim Shapiro and 25 neighbors

#### **Vision 2025**

- 89. Nilang

#### **Weapon Trucks Blocked in Canada**

- 90. Russbumper

#### **1915 Berryman**

- 91. Brenda O'Sullivan

#### **Lung Cancer in Non-Smokers**

- 92. Norm Harrison

### **Police Accountability Board**

93. Friends of Adeline

94. David White, Deputy City Manager

### **City Budget**

95. Blair Beekman

### **Civic Center Redesign and Measure T-1**

96. Christopher Adams, Chair, Landmarks Preservation Commission

### **Unhoused Pooping on Sidewalk in Front of Restaurant**

97. Phatcharin Teerapatanaporn, Manager of Tuk Tuk Thai Café

### **URL's Only**

98. Vivian Warkentin (3)

99. Russbumper (9)

100. Barbara Gilbert

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.