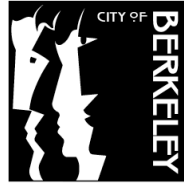


REVISED AGENDA
(ADDED CONTINUED ITEMS FROM DECEMBER 8, 2020)



BERKELEY CITY COUNCIL MEETING

Tuesday, December 15, 2020
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/81127849616>. 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: **811 2784 9616**. 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.*

1. Swearing in of newly elected officials

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 – Continued Business

- A. Updates to the COVID-19 Emergency Response Ordinance; Amending Berkeley Municipal Code Chapter 13.110** *(Continued from December 8, 2020.)*
From: 4x4 Joint Task Force Committee on Housing
Recommendation: Adopt second reading of Ordinance No. 7,743-N.S. (effective February 1) amending Berkeley Municipal Code 13.110, Title 13, “The COVID-19 Emergency Response Ordinance,” to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders representing marginalized groups.
First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Droste.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- B. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70** *(Continued from December 8, 2020.)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,744-N.S., as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.
Financial Implications: No direct fiscal impacts
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 1. Amending Berkeley Municipal Code Chapter 11.28 – Food Establishments**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,739-N.S. amending Berkeley Municipal Code Chapter 11.28, Section 11.28.010 Statutory Provisions, Section 11.28.020 Definitions and adding Section 11.28.370 Microenterprise Home Kitchen Operation (MHKO).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 2. Proposed Amendments to the Building Energy Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,740-N.S. amending the Building Energy Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements to be phased in.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 3. Lease Agreement: Berkeley Housing Authority at 1947 Center Street, Fifth Floor, Southwest Corner**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,741-N.S. authorizing the City Manager to execute a lease agreement with Berkeley Housing Authority to use and occupy the City property at 1947 Center Street, 5th floor Southwest Corner for a ten-year lease term with an option to extend for two additional ten-year terms.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 4. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020 and November 17, 2020.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 5. 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the action entitled 1444 Fifth Street, LLC v. City of Berkeley, Case No. RG19032434.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

6. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of November 2, 2020 (closed), November 10, 2020 (closed and regular), November 16, 2020 (closed) and November 17, 2020 (closed and regular).

Financial Implications: None

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

7. Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the National Institute for Criminal Justice Reform in an amount not-to-exceed \$270,000 for the period beginning January 1, 2021 and ending June 30, 2022.

Financial Implications: See report

Contact: Dave White, City Manager's Office, (510) 981-7000

8. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)

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) through November 1, 2021, adding \$120,000 for a total contract Not to Exceed (NTE) of \$370,000, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley. This will extend the contract by one year.

Financial Implications: See report

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

9. Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services. The total not to exceed limit will be \$1,272,580 and the contract end date will be extended to June 30, 2025. The contract will serve the needs of the Health, Housing and Community Services Department, providing fill-in nursing services as necessary at the Mental Health Clinic, Berkeley High School Health Center, COVID-19 Disease Containment Unit, the Public Health Emergency Preparedness' COVID-19 vaccine readiness planning, and the Berkeley Respite Program's nursing services.

Financial Implications: See report

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

Consent Calendar

- 10. Revenue: Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments; which enables City Departments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$181,962 for FY 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400, David Brannigan, Fire, (510) 981-3473
- 11. Kovarus, LLC: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Kovarus LLC ("Kovarus") for the purchase of Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) for an amount not-to-exceed \$165,000, and the period beginning December 16, 2020 through June 30, 2021.
Financial Implications: Cost Allocation Fund - \$165,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 12. Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Construction**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp up to the amount of \$700,000 for the Berkeley Tuolumne Camp construction.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Joint Use Agreement Between the City of Berkeley and Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution executing a Joint Use Agreement between the City of Berkeley and the Berkeley Unified School District (BUSD) for use of BUSD playgrounds, pools and buildings and City park facilities.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 14. Recommendations for Implementing Phase 2 of the Measure T1 Infrastructure Bond Program**
From: City Manager
Recommendation: Adopt a Resolution to implement the City Manager, Parks and Waterfront Commission, and Public Works Commission Final List of Projects for phase 2 of the Measure T1 infrastructure bond program.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700;
Liam Garland, Public Works, (510) 981-6300
- 15. FEMA Hazard Mitigation Grant Application for Seismic Retrofit of the South Berkeley Senior Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Federal Emergency Management Agency for funds in the amount of \$1,875,000 for the seismic retrofit of the South Berkeley Senior Center; authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; authorizing an amount of \$625,000 in local matching funds; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Receipt of and Funding Agreement Authorization for the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept \$100,914 in grant funds from the Bay Area Air Quality Management District West Oakland Zero-Emission Grant Program (Project #19RFG23) and to enter into a Funding Agreement in order to support the electrification of the City's fleet vehicles.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Grant Application: COVID-19 Rapid Response Bicycle and Pedestrian Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application for up to \$52,000 to the Alameda County Transportation Commission COVID-19 Rapid Response Bicycle and Pedestrian Grant Program for the Berkeley Healthy Streets project, and accept the grant awarded, and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

18. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al, for Construction Projects Over \$500,000

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2023.

Financial Implications: See report

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

19. Sole Source Contract Negotiations – Community Conservation Center, Inc. and Ecology Center, Inc.

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to continue sole source negotiations with Ecology Center, Inc. and Community Conservation Centers, Inc.

Financial Implications: See report

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

20. Contract: Alameda-Contra Costa County Transit District (AC Transit) for EasyPass Program 2021 to 2025

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alameda-Contra Costa County Transit District (AC Transit) for the EasyPass bus transit pass program for City of Berkeley employees in an amount not to exceed \$774,453 for the five-year period commencing January 1, 2021 through December 31, 2025.

Financial Implications: Payroll Deduction Trust Fund - \$774,453

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

21. Contract: Benefit Resource, Inc. for Third-Party Administrator of the Employee Commute Benefit Program; Contract No. 8746A Amendment: Edenred USA

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to:

1. Execute a contract and any amendments with Benefit Resource, Inc., (BRI) to provide third-party administrator services for the City of Berkeley's Employee Commute Benefit Program for an amount not to exceed \$28,974 for the period of March 1, 2021 through February 28, 2023; and
2. Amend Contract No. 8746A with the City's current third-party administrator, Edenred Commuter Benefit Solutions, a subsidiary of Edenred USA, increasing the contract amount by \$6,000 for a total amount not to exceed \$276,000, and extending the contract period three months through March 31, 2021 to ensure a seamless transition to BRI, the new third-party administrator.

Financial Implications: See report

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

Consent Calendar

- 22. Purchase Order: TYMCO, Inc. for three Model 600X Regenerative Air Sweeper**
From: City Manager
Recommendation: Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements allowing the City to participate in Houston-Galveston Area Council contact bid procedures, and authorizing the City Manager to execute a purchase order with TYMCO, Inc. for three Model 600X Regenerative Air Sweeper in an amount not to exceed \$962,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 23. Purchase Order: Arata Equipment Company for Eleven Side Loader Collection Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (previously NJPA) contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven (11) Side Loader Collection Trucks with Arata Equipment Company in an amount not to exceed \$4,554,575.
Financial Implications: Equipment Replacement Fund - \$4,554,575
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Purchase Order: Owen Equipment Sales for One Vactor Combination Sewer Cleaner Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) contract # 122017-FSC and authorizing the City Manager to execute a purchase order for one Vactor Combination Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$327,000.
Financial Implications: Various Funds - \$327,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 25. Prohibition on the Resale of Used Combustion Vehicles in 2040** *(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 resale of used, existing combustion-powered vehicles beginning in 2040.
(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.)
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Consent Calendar

26. Allocation of \$3 Million Over Two Years, FY22 and FY23, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Adopt a Resolution allocating \$3 million from the General Fund in FY22 (July 1, 2021 through June 30, 2022) and FY23 (July 1, 2022 through June 30, 2023) that shall be invested in a grant program administered and coordinated by the Berkeley Public Health Division consistent with the SSBPPE's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY22 and FY23. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2 to the report). b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3 to the report). c. Direct the City Manager to utilize 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE funding program.

Financial Implications: See report

Contact: Dechen Tsering, Commission Secretary, (510) 981-5300

27. Rocky Road: Berkeley Streets at Risk and Significantly Underfunded From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by June 15, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Public Works Department.

Financial Implications: None

Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 28. Tenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation:
1. Adopt a Resolution co-sponsoring the 10th Annual Martin Luther King Jr. Celebration on January 18, 2021.
 2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 10th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
- Financial Implications:** Mayor's Discretionary Funds - \$250
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 29. Appoint Alexandria Thomas-Rodriguez to the Berkeley Housing Authority Board**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution appointing Alexandria Thomas-Rodriguez to serve as a tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 30. Establishment of Reimagining Public Safety Task Force**
From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)
Recommendation:
1. Establish a Reimagining Public Safety Task Force, comprised of: one representative appointed by each member of the City Council and Mayor, one representative appointed by the Mental Health, Police Review and Youth Commissions, one representative appointed by the Associated Students of the University of California (ASUC), one representative appointed by the Berkeley Community Safety Coalition (BCSC), and three additional members to be appointed "At Large" by the Task Force. The Task Force will be guided by a professional consultant, and will include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual, see Attachment 1.
 2. Appointments to the Task Force should be made by January 31, 2021, and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020, commitment to centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria: a. Active

Council Consent Items

Members of Berkeley Community (Required of All)*, b. Representation from Impacted Communities - Formerly incarcerated individuals, - Victims/family members of violent crime - Immigrant community, - Communities impacted by high crime, over-policing and police violence, - Individuals experiencing homelessness, - Historically marginalized populations, c. Faith-Based Community Leaders, d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice, e. Health/ Public Health Expertise, f. City of Berkeley labor/union representation, g. Law Enforcement Operation Knowledge, h. City Budget Operations/Knowledge, i. Committed to the Goals and Success of The Taskforce (Required of All)

3. The charge of the Task Force is as outlined in the July 14, 2020, City Council Omnibus Action, and should include but is not limited to: I. Building on the work of the City Council, the City Manager, BPD, the PRC and other City commissions and other working groups addressing community health and safety. II. Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley. III. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the National Institute for Criminal Justice Reform considering, among other things: A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety. B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force. C. Limiting militarized weaponry and equipment. D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration. E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems. F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

4. Direct the City Manager to ensure that the working group of City Staff as outlined in her October 28th Off-Agenda Memo is coordinating with the Task Force. The Task Force's goal/output will be a set of recommended programs, structures and initiatives to incorporate into upcoming budget processes for FY 2022-23 and, as a second phase, in the FY 2024-2025 budget processes to ensure that recommended changes will be achieved. The Task Force shall return to City Council an initial plan and timeline by April 1, 2021, to ensure the first phase of changes can be incorporated into the FY 2022-23 Budget Process.

Financial Implications: See report

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

Council Consent Items

- 31. Adopt a Resolution Advocating for More Effective Methods of Traffic Enforcement**
From: Mayor Arreguin (Author), Councilmember Droste (Author), Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution supporting the California State Legislature to enact legislation that would give municipalities greater flexibility to enforce speeding and vehicle code enforcement laws and send copies of the resolution to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 32. Deferral of Remaining Permit Fees for 2009 Addison Street**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor),
Recommendation: Approve the deferral of \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street for a period of ten years, after which point the fees will be repaid to the City of Berkeley. Authorize the City Manager to execute a written agreement to memorialize this deferral and repayment requirements.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 33. Support the Installation of a Plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2**
From: Councilmember Davila (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution supporting the installation of a plaque recognizing United States Vice President-Elect Kamala Harris in front of her childhood home in District 2, and refer to the City Manager to start the process.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 34. Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities**
From: Councilmember Davila (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution calling upon supermarkets, restaurant companies, and other food corporations with locations in Berkeley, CA to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 35. Potential Bonding and Funding Opportunities for Improving the PCI of Residential Streets, and Creating a Paving Master Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer to the to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee (FITES) to continue working with the Public Works Department and the Commission to explore potential bonding and funding opportunities for improving the PCI of residential streets, create a paving master plan, and consider the Public Works Commission Paving Policy, once complete. *(On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council requesting that the item be referred back to the Facilities committee for further consideration and to request that Council refer the Paving Plan from the Public Works Commission to the committee when the item comes before Council in January.)*
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 36. Reserving \$2.5M in Housing Trust Funds for the Small Sites Program**
From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution reserving \$2.5 million in Housing Trust Funds for the Small Sites Program.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 37. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$125 per Councilmember, including \$125 from Councilmember Wengraf, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family. \$125 covers 5 years of monthly delivery costs.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 38. Resolution: Support of S. 4571 - 2020 Census Deadline Extensions Act**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution supporting S. 4571, the 2020 Census Deadline Extensions Act, which would extend the Census Bureau's statutory deadlines for delivering apportionment and redistricting data to April and July 2021, respectively.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 39. Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager to develop a program, and if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. Consider criteria for transitioning spaces for public vs. private outdoor use: - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the city might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider fees and potential fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers. - Consider removing the prohibition of parklets on State Highways (Ashby Ave, San Pablo Ave., for example)
(On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer

Council Consent Items

access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all transitioning permits. - Consider Protocols for transfer of private use parklets if businesses change, turn over, etc. - Consider and bring forward any and all suggestions to help transition temporary spaces to permanent with as few hurdles and costs possible. - Request the Agenda Committee consider sharing this item on Berkeley Considers.)

Financial Implications: See report

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

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 line up at the podium 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, line up at the podium 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. 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.

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

Action Calendar – Public Hearings

40. **Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23** *(Continued from December 1, 2020. Item contains revised material.)*

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements

Financial Implications: See report

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

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

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance 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.

Financial Implications: See report

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

Action Calendar

42. **FY 2020 Year-End Results and FY 2021 First Quarter Budget Update** *(Continued from November 17, 2020. Item contains revised material.)*

From: City Manager

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

43. **Amendment: FY 2021 Annual Appropriations Ordinance** *(Continued from November 17, 2020. Item contains revised material.)*

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending FY 2021 Annual Appropriations Ordinance No. 7,724 - N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments since July 1, 2020 in the amount of \$184,267,388 (gross) and \$179,848,051 (net).

Financial Implications: See report

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

Action Calendar

44. Support Loan Forgiveness to Berkeley Youth Alternatives

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution supporting the forgiveness of the City's \$100,000 loan to Berkeley Youth Alternatives (BYA), and direct the City Manager or her designee to process the loan forgiveness to BYA and release the deed of trust.

Financial Implications: \$100,000

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

45. Amendments to Berkeley Police Department Policy 300, Use of Force

From: City Manager

Recommendation:

A) Adopt the proposed amendments to Policy 300 as proposed by the City Manager, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Department's recommendation for section 300.1.2;

-OR-

B) Adopt the proposed amendments to Policy 300 as proposed by the Police Review Commission, in order to comply with state law, and to provide additional definitions, and to clarify existing language within Policy 300, including the Police Review Commission's recommendation for Sections 300.1.2 and 300.1.3.

Financial Implications: See report

Contact: Andrew Greenwood, Police, (510) 981-5900

Action Calendar – Continued Business

C. Urgency Item: Resolution Establishing Local Law Enforcement Policy Pursuant to the November 19, 2020 California Department of Public Health Limited Stay At Home Order and the December 3, 2020 Regional Stay At Home Order

(Continued from December 8, 2020.)

From: Councilmember Harrison (Author)

Recommendation: State Health officials have recently issued two vaguely worded Stay At Home Orders that closely resemble curfews. The State's Orders lack critical specificity regarding enforcement procedures and mechanisms. The Orders, if enforced vigorously, could disproportionately impact low-income people, unhoused people, and people of color, and have the potential to increase the frequency of interactions between law enforcement and marginalized and vulnerable communities.

The December 3, 2020 order was issued after the deadline for Council items and has the potential to immediately impact community members. In addition, the November 19, 2020 Order is currently in effect and warrants immediate Council action.

Data analyses suggest that the June 2020 curfew correlated with significant increases law enforcement racial disparities within Berkeley. Across the Bay Area, certain law enforcement leaders, including police chiefs and sheriffs, have stated they do not intend to indiscriminately and unconstitutionally stop people encountered away from home merely on suspicion of violating the State's curfew orders. It is in the public interest for the Council and City to adopt a similar policy.

Financial Implications: See report

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

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.*

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

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 December 10, 2020.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

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 #27: Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**

1. Steve Kromer

**Item #34: Support calling upon food companies within Berkeley to implement the requirements of Proposition 12 as soon as possible by only selling eggs and meat from cage-free facilities**

2. Sabrina Ashjian, on behalf of the California Humane Society

**Item #37: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

3. Seena Hawley, on behalf of The Berkeley Baby Book Project

**Berkeley Firefighters Staffing**

4. Colin Arnold, on behalf of the Berkeley Firefighters Association

**COVID-19 Concerns**

5. Vivian Warkentin
6. Steven Schuyler
7. Nathan Francis

**Needle Disposal Boxes**

8. Maxina Ventura
9. 11 form-letters

**Pickleball Courts**

10. Elaine
11. Matt Ruby
12. Neil Collier
13. Christy Shepard
14. Fran Wickner
15. Lisa Vogel
16. Mike Hines
17. Gillie Tillson
18. Carmen Figueras
19. Kirk McCarthy
20. Carol Maga
21. Sean O'Doherty
22. Nancy Kaspar
23. Pat Kaspar
24. Nancy Ellis
25. Tess Eisley
26. Soleil Taylor
27. Frank Gilbert
28. Duston Richards
29. David Johnson
30. Holly Coates-Bash
31. Phyllis Mace
32. Chip Wasson
33. R'Sue Caron
34. Paul Kramer
35. Mary Reed Johnson
36. Gina Rieger
37. Naomi Torres
38. Shasta Phillips
39. Gregory Becker
40. Rosie Cohan
41. Jan Stafford
42. Monica Rohrer
43. Catherine Cassel
44. Nancy Cosentino
45. Dana Tillson

**Gun Violence**

46. Moni Law

### **Racial Disparities and Curfews**

- 47. Racial and Criminal Justice Reform Group (2)
- 48. Sheila Jordan
- 49. Moni Law
- 50. Mansour Id-Dean
- 51. Janice Schroeder
- 52. Jane Martin

### **Pool Problems**

- 53. Cris Barrere

### **Berkeley's Financial Status per State Auditor**

- 54. Barbara Gilbert

### **African American Holistic Resource Center**

- 55. Dr. M. Angelica Garcia, President, Berkeley City College

### **Kayla Moore**

- 56. Gemma Medlam-Cooke

### **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.