



Office of the City Manager

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Mark Numainville, City Clerk
 Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 2, 2020 – Closed City Council Meeting
2. July 7, 2020 – Special City Council Meeting at 4pm
3. July 7, 2020 – Special City Council Meeting at 6pm
4. July 14, 2020 – Regular City Council Meeting
5. July 21, 2020 – Special City Council Meeting at 4pm
6. July 21, 2020 – Special City Council Meeting at 6pm
7. July 23, 2020 – Closed City Council Meeting at 3pm
8. July 23, 2020 – Special City Council Meeting at 4:30pm
9. July 23, 2020 – Special City Council Meeting at 6pm
10. July 28, 2020 – Closed City Council Meeting at 4pm
11. July 28, 2020 – Regular City Council Meeting at 6pm
12. July 30, 2020 - Special City Council Meeting at 4pm
13. July 30, 2020 - Special City Council Meeting at 6pm

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JULY 2, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session 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.

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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 824 8649 8013. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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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.

Preliminary Matters

Roll Call: 4:04 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Kesarwani, Davila, Bartlett, Droste

Councilmember Davila present at 4:05 p.m.

Councilmember Kesarwani present at 4:08 p.m.

Councilmember Droste present at 4:21 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 6:35 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council closed session meeting held on July 2, 2020.

Mark Numainville
City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, July 7, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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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: 4:03 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:11 p.m.

Councilmember Bartlett present at 4:13 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

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

Vote: All Ayes.

A. Urgency Ordinance Allowing Temporary Outdoor Uses on Private Property

From: City Manager

Recommendation: Adopt an urgency ordinance that creates Berkeley Municipal Code (BMC) Chapter 23E.18 [Temporary Outdoor Uses on Private Property] and BMC Section 23B.20.045 [Zoning Certificate for Temporary Outdoor Uses] to allow outdoor dining and commerce on private property without requiring a discretionary permit in order to safely support local businesses during the COVID-19 pandemic.

Financial Implications: None

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

Action: Adopted Ordinance No. 7,725-N.S. Additional direction provided to the City Manager to pursue further amendments to expand the applicability of temporary outdoor uses.

Action Calendar

Action: M/S/C (Arreguin/Wengraf) to accept revised materials from the City Manager and Councilmember Davila on Item 1.

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

1. Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

From: City Manager

Recommendation: Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems), and adopt revised administrative guidelines for the issuance of Public Right-of-Way Permits.

Financial Implications: See report

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

Action: M/S/C (Harrison/Arreguin) to suspend debate and call the previous question on Item 1.

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

Action: M/S/Failed (Harrison/Hahn) on the severed portion of the main motion to include an amendment to increase the noticing radius to 1000 feet.

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

Action: 32 speakers. M/S/Carried (Harrison/Hahn) to 1) adopt first reading of Ordinance No. 7,726-N.S. as written in the materials submitted by the City Manager at the meeting, and further amended below; second reading scheduled for July 28, 2020; and 2) adopted revised administrative guidelines for the issuance of Public Right-of-Way Permits as amended below.

Amendments in the Ordinance

1. Amended Section 16.10.050 is to state that undergrounding shall be required where technically feasible
2. Require applicant to provide the Public Works Department with a list of addresses notified of an application submittal
3. Retain the radius for providing public notice of 500 feet
4. Revise section 16.10.060 to require mailing of the Director's decision to all property owners or residents within 500 feet of the proposed facility
5. Specify in Section 16.10.030.D that Surveillance Technology is defined in BMC Chapter 2.99
6. Revise Section 16.10.050.b to state: "The impact of the Facilities on views, parks, and on cultural resources protected by or eligible for protection under Chapter 3.24 of the Berkeley Municipal Code or the State Public Resources Code Section 5020.1(j)"

Amendments to the Guidelines

1. Revise Section 7(a)(11) to state: "any location within a historic district as defined in Chapter 3.24 of the Berkeley Municipal Code, or within 300 feet of a City park, school, or senior center, or of a historic district or a property designated as a landmark or structure of merit under Chapter 3.24, or a property that is eligible for protection under Chapter 3.24 or under the State Public Resources Code Section 5020.1(j)"

2. Revise Section 7(f)(4) to state: "not be placed in the line of sight of View Corridors, as defined in Section 23F.04 of the Berkeley Municipal Code, as viewed from the primary living area of a residence"
3. Revise Section 4(a)(12) to state that structural analysis may include wind analysis
4. Revise Section 8(h)(4) to state: "Horizontal projections are prohibited except where other designs are technically infeasible."
5. Revise Section 7(a) to state that strand-mounted assets are prohibited where "technically feasible"
6. Add the following to Section (4)(b): "If no voluntary pre-submittal community meeting is held, the applicant shall schedule a community meeting on or after the date the application is submitted."
7. Require additional structural engineering analysis in an Alquist-Priolo zone, high wind area, or liquefaction zone

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

Adjournment

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

Vote: All Ayes.

Adjourned at 8:05 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 7, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

1. Phoebe Anne Sorgen

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

2. Ariel Strauss, on behalf of Greenfire Law
3. Mark Pollock, on behalf of Pollock & James Law Firm
4. Ellen Marks
5. Lindsay Vurek
6. Joyce Kawahata
7. Tony Brasunas
8. Anne Herrick
9. Meaveen O'Connor
10. Stephen Russell
11. Marti Love
12. Phoebe Anne Sorgen
13. Stephanie Thomas

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Installation of Video and Telecommunications Systems) and Revised Guidelines for Issuance of Public Right-of-Way Permits

14. Revised material, submitted by the City Manager's Office
15. Heidi Davis
16. Aaron Shank, on behalf of AT&T
17. Signe Mattson
18. Steve Gilmartin
19. Elana Auerback
20. Cynthia McGrane
21. Kate Bernier
22. Sally Nelson
23. Jenny Miller (2)
24. Phoebe Anne Sorgen (2)
25. Kate Laurer
26. Sandy Nixon
27. Mary Ellen Sperling
28. Jura Midam
29. Max Ventura
30. Oren Leiman
31. KO
32. David Haddock
33. Mark McDonald
34. Annemarie Weibel
35. Gar Smith
36. Catherine Dodd (2)
37. Carol Wong
38. Sierra Murphree
39. Joyce Kawahata
40. Elizabeth Starr (2)
41. Mary White (2)
42. Yani Teichner
43. Carla Woshawny

44. Beth Jerde
45. Byrce Nesbitt
46. Natalie Logusch
47. Connie Anderson
48. Dillontree@
49. Tony Brasunas
50. Blair Beckman
51. Nancy Lemon

Urgency Item: Substitute Staff's Drafts and Use WIRED's Redlined Drafts or Include Most of the Deadlines

52. Time critical material, submitted by Councilmember Davila

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

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Preliminary Matters

Roll Call: 8:26 p.m.

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

Absent: Droste

Councilmember Droste present at 8:52 p.m.

Action: M/S/C (Kesarwani/Robinson) to add two items (Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network; and Ordinance Limiting Third-Party Food Delivery Service Fees) to the agenda from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2).

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

Action Calendar – Public Hearing

1. **ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

Financial Implications: None

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

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

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

Vote: All Ayes.

Action: M/S/C (Wengraf/Harrison) to adopt Resolution No. 69,486–N.S. affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2019-0111 to construct a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, increasing the average and maximum building height by approximately two feet, increase the number of bedrooms on the parcel from four to five, and constructing a perimeter fence over six feet in height, on a conforming residential parcel, and dismiss the appeal.

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

Action Calendar – Public Hearing

2. ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

From: City Manager

Recommendation: Conduct a public hearing regarding an appeal of the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment and, upon conclusion, consider the record of proceedings and testimony to determine whether the findings for approval can be made regarding view protection and camouflage.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 28 speakers.

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

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

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

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

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 69,487–N.S. affirming the Zoning Adjustments Board decision to deny Use Permit #ZP2018-0236, a request to establish a new 50' high monopole 4G LTE wireless facility operated by Verizon Wireless at the East Bay Municipal Utility District site consisting of six antennas, six remote radio units, and associated ground equipment, and adopting revised findings in support of the decision.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Robinson; Abstain – Kesarwani, Droste; Absent – Wengraf (Recused – lives within 500 feet of the project).

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

From: Councilmember Rashi Kesarwani (Author), Councilmember Rigel Robinson (Co-Sponsor)

Recommendation: Adopt a resolution requesting: 1) Temporary closure of designated Healthy Streets (see Attachment 1 Map) pursuant to California Vehicle Code § 21101(e), which authorizes local resolution of street closures for the “safety and protection” of persons using such streets; and 2) That the closures be adequately marked with (1) diverters and/or semi-diverters positioned and secured to encourage alternative routes for motor vehicle traffic, and (2) durable reflective signage that indicates the presence of a temporary street closure.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Bartlett and Mayor Arreguin added as co-sponsors. 6 speakers. M/S/C (Kesarwani/Bartlett) to adopt Resolution No. 69,488–N.S.

Vote: All Ayes.

Urgency Item: Ordinance Limiting Third-Party Food Delivery Service Fees

From: Councilmember Rashi Kesarwani (Author), Councilmembers Kate Harrison and Rigel Robinson (Co-Sponsors)

Recommendation: Adopt an ordinance establishing a temporary limit on the charges imposed by third-party delivery services on retail food establishments to be in effect for the duration of the declared local state of emergency resulting from the Covid-19 pandemic.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Councilmember Bartlett added as a co-sponsor. 2 speakers. M/S/C (Arreguin/Kesarwani) to adopt Ordinance No. 7,727–N.S.

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

Councilmember Droste absent 11:26 p.m. – 11:30 p.m.

Adjournment

Adjourned the meeting in memory of the victims of violence over the 4th of July weekend.

Adjourned at 11:30 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 7, 2020.

Mark Numainville
City Clerk

Communications

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

1. 14 form letters "Deep Opposition"
2. 9 form letters "Live on Euclid"
3. 11 form letters "Do Not Want"
4. Isaac Kaplan
5. Jack Newman
6. Ellen Archilla and Jacques Watteyne
7. Elissa Berall
8. Allison Sell
9. Danielle Schanz
10. Debbie Lai
11. Julia MacMillan
12. Wolf Arnold
13. Lina Schweidel
14. Amber Turley
15. Brooke Dougherty
16. David Moren
17. Corien Anderson
18. Julie Therien
19. Rebecca Armstrong
20. Kristi Lentz Taylor
21. Janice Schroeder
22. John Williams
23. Mark Gonzalez
24. Ginger Parnes
25. Jane Eisenstark
26. Francine Foltz
27. Carolyn McNiven
28. Leah Mazel-Gee
29. Julia Rogers
30. Jane Hansen
31. Debbie
32. Julieta Zuniga
33. Oliver Raisner
34. Susan Nunes (2)
35. Michael Burt on behalf of the Law Office of Michael Burt
36. Raissa Lerner
37. Anonymous
38. Layal Nawfal, Associate Planner, Land Use Planning Division
39. Regina DiMaggio
40. Kaellyn Moss (2)
41. Mary McGann (2)
42. Andrea Lappen
43. Cynthia Li
44. Jennifer Monahan
45. Daniel Richheimer
46. Phyllis Peacock

47. Mayanne Stahl
48. Amanda Coggin
49. Jan Jarvis
50. Vivian Warkentin
51. Tiffany Fyans
52. Arthur Stopes III
53. Carol Hirth
54. Mary Ann Brewin
55. Lloyd Morgan

Supplemental Communications and Reports 1

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

56. Kevin Kelly

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

57. Michael Burt, Law Office of Michael Burt (3)
58. Susan Nunes (2)
59. Susan Reinold
60. Stanley Goldberg
61. Mary McGann
62. Wendy Stock
63. Lucinda Reinold (2)
64. Jo Ann Driscoll (2)
65. Phyllis Peacock
66. Oliver Raisner
67. Kelley Hart
68. Gay Pelletier
69. Angelina DeAntonis
70. Christian Raisner
71. Daniella Thompson
72. Steve Tracy
73. Dawn Hawk
74. Scasey@
75. Oren Leiman

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

76. Rod Ubillus, on behalf of Kristin Scott and Henk Roelink
77. Tetsu Tokunaga

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

78. Paul Albritton, on behalf of Mackenzie & Albritton Law Firm
79. Jane Burak
80. Lance Courtland
81. Francie Jones

82. Diana Bohn

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1449 Grizzly Peak Boulevard, Administrative Use Permit #ZP2019-0111

- 83. Pamela Sihvola (2)
- 84. Changiz Faizbakhsh

Item #2: ZAB Appeal: 0 Euclid Avenue (Berryman Reservoir), Use Permit #ZP2018-0236

- 85. Jeffrey Hunt (2)
- 86. Andy Katz, EBMUD Director, Ward 4
- 87. Paul Albritton, on of law firm of Mackenzie & Albritton
- 88. Wendy Stock
- 89. Bryce Nesbitt (2)
- 90. Mark Numainville, City Clerk
- 91. Oren Leiman
- 92. Phoebe Anne Sorgen

Urgency Item: Resolution Authorizing Temporary Closure of the Designated Healthy Streets Network

- 93. Urgent material, submitted by Councilmember Kesarwani
- 94. Travis Close

Urgency Item: Ordinance Limited Third-Party Food Delivery Service Fees

- 95. Urgent material, submitted by Councilmember Kesarwani
- 96. John Caner, on behalf of the Downtown Berkeley Association
- 97. Narendra Dev

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 14, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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 DISTRICT 2 – CHERYL DAVILA
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – KATE HARRISON

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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.

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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83061922519>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **830 6192 2519**. 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: 6:05 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourn in memory of Paul Broadway, City of Berkeley Employee
2. Adjourn in memory of recently deceased Berkeley residents

City Auditor Comments:

The City Auditor provided a summary of the upcoming audits, including planned audits related to the Berkeley Police Department.

City Manager Comments:

The City Manager provided an update on the activities of the Emergency Operations Center, including efforts for the unhoused and the increase in testing.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 18.

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

Action: M/S/C (Kesarwani/Robinson) to accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) entitled Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum.

Vote: All Ayes.

Action: M/S/C (Wengraf/Hahn) to accept an urgency item from Councilmember Wengraf pursuant to Government Code Section 54954.2(b)(2) entitled Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 37 speakers.

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

Vote: All Ayes.

Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum

From: Councilmember Kesarwani (Author)

Recommendation: Send the attached letter as an e-mail to California state officials to request reclassification of the Oakland Zoo as an outdoor museum in order to enable it to reopen for outdoor recreation and education under strict healthy and safety guidelines and to support the zoo in remaining financially solvent. The letter is addressed to: Governor Gavin Newsom, State Public Health Officer and Director of the California Department of Public Health Dr. Sonia Angell, and the California Health and Human Services Agency Director Dr. Mark Ghaly.

Financial Implications: None

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

Action: Approve recommendation.

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

Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans

From: Councilmember Wengraf (Author), Councilmember Hahn (Author)

Recommendation: Send a letter to UC Berkeley Chancellor Carol Christ urging her to consider the health and safety of the greater Berkeley community and the resources necessary to manage potential additional COVID outbreaks when making Fall semester 2020 plans.

Financial Implications: None

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

Action: Councilmembers Droste and Harrison added as co-sponsors. Approved recommendation amended to remove “and how would these services be paid for” from the fourth to the last paragraph.

Consent Calendar

- 1. FY 2021 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,721-N.S. setting the FY 2021 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements with no increase in tax rate.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300; Dave Brannigan, Fire, (510) 981-5500
Action: Adopted second reading of Ordinance No. 7,721-N.S.
- 2. Amend One-Way Car Share Program: Electric Mopeds, Fees, Deposits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,722-N.S. pursuant to Berkeley Municipal Code Chapter 14.62, renaming the One-Way Car Share Program as the One-Way Vehicle Share Program and removing obsolete references to parking permit stickers affixed to vehicles.
First Reading Vote: Ayes – Kesarwani, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Hahn.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,722-N.S.
- 3. Amendments to the Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12**
From: Fair Campaign Practices Commission
Recommendation: Adopt second reading of Ordinance No. 7,723-N.S. amending the Berkeley Election Reform Act, BMC Chapter 2.12, regarding the public financing program.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,723-N.S.

Consent Calendar

4. FY 2021 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,724-N.S. adopting the FY 2021 Annual Appropriations Ordinance (AAO) in the amount of \$533,318,519 (gross appropriations) and \$447,702,457 (net appropriations).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,724-N.S.

5. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to continue the work of unbundling the banking services with Wells Fargo and exercise the final three-year option period to extend Contract No. 9367 with Wells Fargo through May 31, 2023, in the amount of \$3,107,500 for a total of ten (10) year contract amount not to exceed \$10,356,000. This is to ensure business continuity and allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,489–N.S.

6. Revenue Contracts: Families First Coronavirus Response Act (FFCRA) Funds for Aging Services Nutrition Programs

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals to seniors for the following programs for Fiscal Year 2021:

1. Congregate Meals in the amount of \$7,500; and
2. Home Delivered Meals in the amount of \$31,500.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,490–N.S. (Congregate Meals); Adopted Resolution No. 69,491–N.S. (Home Delivered Meals).

Consent Calendar

- 7. Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$1,907,293. This will extend the existing contract by one year and add \$946,419 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,492–N.S.
- 8. Contract No. 10209 Amendment: Bay Area Hearing Voices Network for Hearing Voices Support Groups**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10209 with vendor Bay Area Hearing Voices Network (BAHVN) to provide Hearing Voices Support Groups through June 30, 2021, increasing the amount of the contract by \$34,736 for a total not to exceed amount of \$103,178.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,493–N.S.
- 9. Local Housing Trust Fund Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California’s Local Housing Trust Fund program in an amount not to exceed \$5,000,000, and to apply such funds to the City’s existing funding reservations for affordable housing development at 2001 Ashby Avenue and 2527 San Pablo Avenue via the City’s Housing Trust Fund program.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,494–N.S.

Consent Calendar

- 10. Contract: Sandstone Environmental Engineering, Inc. for Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project (Bid Specification No. 20-11402-C); and 2. Accepting the bid of Sandstone Environmental Engineering, Inc. as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Sandstone Environmental Engineering, Inc., for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project, in an amount not to exceed \$552,862, which includes a contract amount of \$480,750 and a 15% contingency in the amount of \$72,112.
Financial Implications: Various Funds - \$552,862
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,495–N.S.
- 11. Contract No. 32000114 Amendment: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000114 with Redwood Engineering, by increasing the construction contract amount by \$280,000 for a not-to-exceed amount of \$1,471,342 for the James Kenney Park, Picnic, and Play Area Renovation.
Financial Implications: Parks Tax Fund - \$1,471,342
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,496–N.S.
- 12. City Consent to Declaration of Easements Between 2009 Addison and 2015 Addison**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to give City consent to an amended declaration of easements for safety and access between 2015 Addison Street, which is owned by the Berkeley Repertory Theater, and 2009 Addison Street, owned by the Joint Powers Financing Authority, leased by the City of Berkeley, and subleased to the Berkeley Repertory Theater.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted first reading of Ordinance No. 7,728-N.S. amended to correct the text of the ordinance so that the addresses are referenced correctly. Second reading scheduled for July 28, 2020.

Consent Calendar

- 13. Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule bid procedures; 2. Approving the California Multiple Award Schedule Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building. 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$116,635.39, which includes a contingency of \$19,439.23.
Financial Implications: Capital Improvement Fund - \$116,635
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,497–N.S.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.
- 14. Contract No. 9730B Amendment: Fairbanks Scales, Inc. for Preventative Maintenance and Repairs on the Various Scales at the Berkeley Transfer Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730B with Fairbanks Scales, Inc. for preventative maintenance and repairs on the various scales at the City’s Solid Waste Management Center Transfer Station Facility to increase the contract amount by \$50,000 for a total contract amount not to exceed \$190,000, and to extend the contract term by two years to June 30, 2023.
Financial Implications: Zero Waste Fund - \$190,000
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,498–N.S.

Action Calendar – Public Hearings

15. Permanent Local Housing Allocation Application

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Permanent Local Housing Allocation program in an amount not to exceed \$7,761,504 to support local affordable housing and homeless services initiatives.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 10 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,499–N.S.

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

16. California Public Finance Authority Bond Financing for 1717 University Avenue

From: City Manager

Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Public Finance Authority (CalPFA) for the benefit of the 1717 University Avenue rental housing development.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to adopt Resolution No. 69,500–N.S.

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

Recess 9:31 p.m. – 9:44 p.m.

Action Calendar – Public Hearings

**17. ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153
From: City Manager**

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story that would increase the average building height from 16 feet 3½ inches to 23 feet 7½ inches, and adding a fifth bedroom, and dismiss the appeal.

Financial Implications: None

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

Action: M/S/C (Arreguin/Wengraf) to open the public hearing and continue the hearing to July 23, 2020.

Vote: All Ayes.

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Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 12:00 a.m.; and continue Item 19 to July 23, 2020.

Vote: All Ayes.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 1:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 2:00 a.m.

Vote: All Ayes.

Action: M/S/C (Davila/Hahn) to suspend the rules and extend the meeting to 2:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 2:45 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 3:00 a.m.

Vote: All Ayes.

Action: M/S/Failed (Harrison/Davila) to suspend the rules and extend the meeting to 3:10 a.m.

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

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Action: M/S/Failed (Davila/Bartlett) to adopt Item 18b as written.

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

Action: 139 speakers. M/S/Carried (Arreguin/Droste) to adopt the Mayor’s omnibus motion in the revised materials accepted at the meeting, as further verbally amended by the Mayor, and including the amendment from Councilmember Droste regarding the creation of city policies to reduce the impact of settlements on the General Fund.

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

Omnibus Motion on Public Safety Items (Items 18a-e) July 14, 2020

That the Berkeley City Council adopts the following motion:

1. To APPROVE item 18a “George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis” (Bartlett) as revised in Supplemental Packet 1 and further amended below:

- *Reaffirming the Council’s prior action adopting Recommendation # 1 through its allocation of \$160,000 for an Auditor I position in the FY 2021 Budget to conduct a data-driven study that includes analysis of police calls and responses, as well as analysis of the Berkeley Police Department (BPD) budget and expenditures, which could include by call type, including FTE (full-time equivalent position), cost per FTE, overtime and special pay expenditures and supervisory structure. Recommended data points/areas of focus are included in pages 4-7 of the Bartlett item. The Auditor is encouraged to consult subject matter experts in developing the scope of work for this study and to consult with the community-based organization selected for community outreach (Item 18d) throughout her work.*

- *Approving Recommendation # 2 as revised below:*

Refer to the City Manager and the public safety reimagining process in item 18d to evaluate initiatives and reforms that reduce the footprint of the Police Department and limit the Police’s scope of work primarily to violent and criminal matters.

- *Allocate \$100,000 from the FY 2021 Unallocated General Fund Balance (of \$141,518 unallocated in the FY 2021 Adopted Budget) to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This Specialized Care Unit (SCU) consisting of trained crisis-response workers would respond to 911 calls that the operator evaluated as non-criminal and that posed no imminent threat to the safety of first responders. The program would be designed by staff based on existing successful models and likely employ a combination of mental health professionals as well as EMTs and/or nurses, who would be unarmed. The program should be designed to reduce costs while enhancing outcomes in public safety, community health, mental health, social services, civil rights, and overall quality of life. Based on pilot results, a proposal to adjust and/or expand and continue the program, and related reductions in policing services, should be presented to the City Council for consideration in time for inclusion in the FY 2022 budget. (Council previously approved a study of the creation of a Specialized Care Unit pilot on June 16, 2020)*

2. To APPROVE the following recommendations based on Councilmember Davila’s item 18b “Support Redistribution of City Resources and Operations from the Berkeley Police”:

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- *As previously recommended in other areas of this motion by other Councilmembers, refer as part of the public safety reimagining process to evaluate functions currently served by Berkeley Police personnel which could be better served by trained non-sworn city staff or community partners and how those positions/responsibilities could be transferred out of the police department as soon as practicable. (Davila Recommendation 1 modified)*
 - *Refer to the public safety reimagining process the goal of reducing the Berkeley Police Department budget by 50%, to be based on the results of requested studies and analysis and achieved through programs such as the Specialized Care Unit. Functions to consider shifting away from the Police Department include non-emergency calls that are evaluated to pose no danger to the safety of responders, such as calls related to enforcement of COVID-19 Shelter in Place orders, mental health calls (including wellness checks), calls related to quality of life crimes, calls related to homelessness, and any other calls that can be safely served by another new or existing city or community partner resource (Davila Recommendation 2 and 3 modified)*
 - *Engage in a full and complete operational analysis, undertake meaningful community consultation and develop a transition plan. This reduction will enable a reallocation of public safety resources so that Police are focused on violent and criminal matters, and consider how to shift resources to, among others, non-sworn mental health, homeless outreach, and parking and traffic enforcement professionals. This will also enable the reallocation of existing police dollars for community programs and priorities to support communities of color, promote violence prevention and restorative justice and improve community health and safety. (Davila Recommendation 3 modified)*
 - *Reducing the Berkeley Police Department budget will allow funding to be considered for these and other similar priorities: youth programs, or community groups and programs, violence prevention and restorative justice programs, domestic violence prevention, housing and homeless services, food security, mental health services including a specialized care unit, healthcare, new city jobs, expanded partnerships with community organizations, public health services, and the creation of a new Department of Transportation to administer parking regulations and traffic laws. (Davila Recommendation 4 modified)*
 - *Refer to the City Manager and the public safety re-imagining process to identify the expertise needed for non-police responses to calls, taking into account comparable approaches including CAHOOTS and other existing programs that might be expanded such as the Berkeley Free Clinic, Building Opportunities for Self Sustainability (BOSS), and the Women's Daytime Drop-in Center, Consider the Homeless and others. (Davila recommendation 6 modified)*
 - *Create plans and protocols for emergency/911 dispatch to send calls to the preferred responding entity and consider placing dispatch in the Fire Department or elsewhere outside the Police Department. (Davila recommendation 7 modified)*
 - *Policing in schools (Davila recommendation #8). Amended to state that the City will align its work with the school district's commitment to look at exploring and reducing policing in the schools*
- (Councilmember Davila's suggested language encouraging BUSD to adopt policies to safeguard information from ICE is already adopted district policy. BUSD was one of the first districts in the country to adopt a sanctuary schools policy and should be commended for its forward-thinking leadership.)*
- *Refer to the City Manager and public safety reimagining process an analysis of litigation outcomes and exposure for city departments in order to guide the creation of city policy to reduce the impact of settlements on the General Fund. (Amended as proposed by Councilmember Droste)*

3. To APPROVE the report and resolution in item 18d "Transform Community Safety and Initiate a Robust Community Engagement Process" (Mayor/Hahn/Bartlett/Harrison) with the following revisions below:

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- Amend recommendation 3 to clarify that the City Manager would “collaborate with the Mayor and all Councilmembers to complete the work, to inform investments and reallocations to be incorporated into future Budget processes.”
- Amend recommendation 3 to refer all of the recommendations from the Berkeley United for Community Safety coalition to the City Manager and public safety reimagining process for consideration.
- Amend recommendations 3(a) (ii) to clarify that the analysis and initial recommendations on shifting police resources to alternate, non-police responses and toward alternative and restorative justice models will coincide with the next available budget process, whether that is the November 2020 AAO#1, April 2021 AAO#2, or the June 2021 budget process.
- Amend recommendation 3(b) to add the following language proposed by Councilmember Wengraf in item 18c:

This work should include public, transparent community forums to listen, learn and receive people’s ideas about how policing should be re-imagined and transformed so that communities of color can be safer within their neighborhoods, the City of Berkeley, and trust in the Berkeley Police Department can begin to be rebuilt.

Our communities of color, particularly our African American community must be at the forefront of conversations to re-imagine approaches to policing and public safety.

- Amend recommendation 3(b)(1) to read: *Building on the work of the City Council, the Council Public Safety Policy Committee, the City Manager, the PRC, other City commissions and working groups (e.g. the Mayor’s Fair and Impartial Policing Working Group) addressing community health and safety, the Community Safety Coalition and community process will engage relevant city commissions in this work on an ongoing basis.*

4. To APPROVE Item 18e “BerkDOT: Reimagining Transportation for a Racially Just Future” (Robinson) as revised in Supplemental Packet 1:

Refer to the City Manager, the FY 2021-22 budget process, and the proposed community engagement process to reimagine public safety to:

- (1) Pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure, and*
- (2) Identify & implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations.*

Action Calendar

18a. Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

(Continued from June 16, 2020)

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

Recommendation:

1. Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the \$150,000 to: a. Hire a consultant to conduct a data-driven analysis of police calls and responses to determine the quantity and proportion of these calls that can be responded to by non-police services. The third-party consultant must be hired and engaged in work within three months of the item's passage. b. Hire a consultant to conduct an analysis of the Berkeley Police Department's budget and its expenditures by call type. The third-party consultant must be hired and engaged in work within three months of the item's passage.
2. Direct the City Manager to implement initiatives and reforms that reduce the footprint of the police department and limit the police's response to violent and criminal service calls.

Financial Implications: See report

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

Action: To approve item 18a "George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis" as revised in Supplemental Communications Packet #1 and further amended in the Mayor's omnibus motion.

18b. Support Redistribution of City Resources and Operations from the Berkeley Police

From: Councilmember Davila (Author)

Recommendation: Adopt a resolution supporting Redistribution of City Resources and Operations from the Berkeley Police, and taking the following actions: 1. Request that any function that is currently served by Berkeley Police but would be better served by trained city staff or community partners should be transferred out of the police department with all due haste 2. These functions include all non-emergency calls, mental health calls (including wellness checks), calls related to intoxication, calls related to homelessness, calls involving domestic violence, and any other calls that can be served by any other city resource, and 3. The current proposed police budget for 2021 (\$72,774,334) will be reduced by an amount of 50% (\$36,387,167) or greater and funding of community programs and non-police city agencies will be increased by a commensurate amount, and 4. Reducing the Berkeley Police Department budget by at least 50 percent will allow funding for but not limited to youth programs or community groups and programs, housing and homeless services, food security, mental health services, healthcare, creation of new city jobs, and public health services. 5. Calls involving domestic violence, homelessness, and mental health require specialized responding staff who have been trained in de-escalation and are able to provide direct services to Berkeley residents who are in crisis. The City Auditor is hereby directed to prepare a report to

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Council that reveals the amount of funding that will become available as a result of these reductions in police responsibilities. 6. The City Manager will identify the expertise needed for non-police responses to these calls, taking into account comparable approaches including CAHOOTS as well as existing local programs which could possibly expand with additional funding such as: the Berkeley Free Clinic, Building Opportunities for Self Sustainability (BOSS), and the Women's Daytime Drop-in Center, Consider the Homeless and others, and initiate an RFP process for community organizations to provide those services. 7. The City Manager should create a plan for a non-police hotline that can receive 911 calls and connect those calls with non-police resources as appropriate, either by expanding the 311 mandate or creating a new city agency (perhaps 811 recognizing 8 to Abolish). 8. The City Council requests the Berkeley Unified School District and all Berkeley schools. both public and private to end programs that bring police officers into the schools, and to do everything within their power to protect undocumented students and families and to safeguard their information and prevent it from being shared with from police, including ICE (Immigration and Customs Enforcement). 9. That general fund dollars are not to be expended to pay out settlements resulting from police officer negligence, brutality, or murder. Those settlements will henceforth be deducted from police department budgets. 10. That the Police Review Commission and Peace and Justice Commission are instructed to form a joint committee to annually review police responsibilities and make recommendations to the City Council regarding additional functions that could better be served by non-police staff.

Financial Implications: See report

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

Action: To approve the recommendations in the Mayor's omnibus motion based on Councilmember Davila's item 18b "Support Redistribution of City Resources and Operations from the Berkeley Police."

Action Calendar

18c. Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

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

Recommendation: We must have our communities of color, particularly our African American community, at the forefront of conversations to re-imagine approaches to policing and public safety in Berkeley. The people most disparately impacted must have a vital role in the creation of new ways to enhance accountability, compassion and transparency as we move forward to address racial inequities and disparate outcomes of policing in Berkeley.

This item is an urgent referral to the City Manager to act quickly and thoughtfully in creating substantial community engagement to develop a new model for policing in Berkeley, to address racial inequities, ensure community health and safety needs are met, and to build trust within our communities of color.

This work should begin with public, transparent community forums to listen, learn and receive people's ideas about how policing should be re-imagined and transformed so that communities of color can be safer within their neighborhoods, the City of Berkeley, and trust in the Berkeley Police Department can begin to be rebuilt. The City Manager will send a list of recommendations to the full Council for review and public input.

Financial Implications: Staff time

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

Action: Approved recommendation 3(b) as amended in the Mayor's omnibus motion.

18d. Transform Community Safety and Initiate a Robust Community Engagement Process

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

Recommendation:

1. Adopt a Resolution expressing the City Council's commitment to:
 - a. A transformative approach to community-centered safety and reducing the scope of policing,
 - b. Equitable investment in the essential conditions of a safe and healthy community, especially for those who have been historically marginalized and have experienced disinvestment, and
 - c. A broad, inclusive community process that will result in deep and lasting change to support safety and wellbeing for all Berkeley residents.
2. Direct the City Manager to track and report progress on actions to implement this initiative, and other actions that may be identified by the Coalition and referred by Council to the City Manager. Updates shall be provided by written and verbal reports to Council and posted on a regularly updated and dedicated page on the City website.
3. Direct the City Manager to collaborate with Mayor and select Councilmembers to complete the following work, to inform investments and reallocations to be incorporated into future Budget processes:

Action Calendar

a. Contract with independent subject matter experts to:

i. Analyze the scope of work of, and community needs addressed by, the Berkeley Police Department, to identify a more limited role for law enforcement, and identify elements of police work that could be achieved through alternative programs, policies, systems, and community investments. Analysis should include but not be limited to: calls received by dispatch by type of complaint, stops by law enforcement generated at officer discretion (as contained in the Police Department's open data portal) or on request of other city agencies, number of officers and staff from other city agencies that respond to incidents, estimated time in response to different types of calls, daily patrol activities, organizational structure, and beat staffing. Work to include broad cost estimates of police and other city agency response to different types of calls, and other information and analysis helpful to identify elements of current police work that could be transferred to other departments or programs or achieved through alternative means. Work should be completed in time for the November 2020 Annual Appropriation Ordinance revision.

ii. Identify immediate and longer-term opportunities to shift policing resources to alternative, non-police responses and towards alternative and restorative justice models, to better meet community needs, that could be considered in the November 2020 AAO#1 budget process. Some areas to be considered include homeless outreach and services, substance abuse prevention and treatment, and mental health/crisis management, as well as alternative models for traffic and parking enforcement, "neighborhood services" and code enforcement. Provide a broad timeline and process for transitioning functions not ready for transition at this first milestone.

Deliverables should coincide with budget cycles, including the November 2020 AAO and FY 2022-2023 Budget processes, and provide a suggested timeline for transitioning functions at these and other budget opportunities, so that alternative investments may be considered for funding and launched in a timely and orderly manner.

b. Contract with independent Change Management experts to initiate and facilitate a representative Community Safety Coalition, guided by a Steering Committee, that will begin meeting no later than January 2021. The CSC and its Steering Committee should be broadly inclusive and representative of Berkeley residents and stakeholders. The Steering Committee, with the support of Change Management professionals, shall be responsible for engaging the Coalition and the broader Berkeley community and relevant City Staff in a robust process, to achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley.

The work of the Coalition should include but not be limited to:

1. Building on the work of the City Council, the City Manager, the PRC and other City commissions and other working groups addressing community health and safety.
2. 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.
3. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and

Action Calendar

Reinvest as proposed by the National Institute for Criminal Justice Reform (Attachment 3), 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 powers 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.
- c. The Coalition'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 FY2024-2025 budget processes to ensure that recommended changes will be achieved. The Coalition 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 FY2022-23 Budget Process.

Financial Implications: See report

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

Action: To approve the report and adopt Resolution No. 69,501–N.S. in item 18d “Transform Community Safety and Initiate a Robust Community Engagement Process” as amended in the Mayor’s omnibus motion.

18e. **BerkDOT: Reimagining Transportation for a Racially Just Future**

From: Councilmember Robinson (Author), Councilmember Droste (Author), Councilmember Bartlett (Author), Mayor Arreguin (Author)

Recommendation: Refer to the City Manager, the FY 2021-22 budget process, and the proposed community engagement process to reimagine public safety to pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: To approve Item 18e “BerkDOT: Reimagining Transportation for a Racially Just Future” (Robinson) as revised in Supplemental Communications Packet #1 and in the Mayor’s omnibus motion.

19. Animal Services Contract with the City of Piedmont *(Continued from June 30, 2020)*

From: City Manager

Recommendation: Adopt a resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Piedmont for animal care services for FY2021-FY2025, which increases the existing contract by up to \$180,134, with a total contract amount not to exceed \$441,984.

Financial Implications: See report

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Item 19 continued to July 23, 2020.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Adjourned at 3:00 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on July 14, 2020.

Mark Numainville
City Clerk

Communications

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

1. Igor Tregub

Item #18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

2. Mary Gomes
3. Allen Kanner
4. Moni Law

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

5. 102 identical form letters
6. 19 identical form letters
7. Annie Liu
8. Samir Doshi
9. Cheyenne Smith
10. Clara Monk

11. Lauren MacPhail
12. Madison Ordway
13. Jane Hood
14. Kristen Boney
15. Hannah Forsberg
16. Liz Combs
17. Isabelle Kavanagh
18. Gisel DeLaCerde
19. Dahlia Saba
20. Alyssa Sugarman
21. Gina Drescher
22. Andrew Mayo
23. Laurel Halvorson
24. Isabel Barbera
25. Mahader Tamene
26. Rumur Dowling
27. Maggie Camillos
28. Bailey Henderson
29. Mariah Castle
30. Rebecca Zemach-Lawler
31. Sara Bruno
32. Star Zagofsky
33. Max Ventura
34. Kate Stechschulte
35. Bill Kinder
36. Kamaile Alnas-Benson
37. Alex de Man
38. Vikram Nagarajan
39. Josie Lee
40. Knychelle Passmore
41. Marcia Ishii-Eiteman
42. Stephanie Ashton
43. Isabel Cholbi
44. Christine Garibian
45. MacKenzie Moore
46. Dan B
47. L. Darlene Pratt
48. Linda Walls
49. Dani Rozman
50. Jem Campbell
51. Gabriella Villegas
52. Eisa Al-Shamma
53. Samantha Whitty
54. Henderson Peternell
55. Jackson Torres
56. Morgan Hubbard

57. Katie Wilson
58. Sukhmony Brar
59. Stephanie Schaudel
60. Uma Channer
61. Erika Hsu
62. Lorena Grundy
63. Sander Mack-Crane
64. Andrea Ikeda
65. Nate Bohm-Levine
66. Amy Reavis
67. Virginia Lyon
68. Miranda Mammen
69. Andres Navarro
70. May Lim
71. Garrett Shishido Strain
72. Melanie Abrams
73. Jacob Wolbert
74. Nicole Teixeira
75. Alison Lafferty
76. Naima Karczmar
77. Beebe Sanders
78. Anasuya Lyons
79. Michelle Braasch-Carman
80. Michele Foletta
81. Anthony Abel
82. Christopher Geary
83. Paige Hval
84. Kerby Lynch
85. Butch Brood
86. Helena von Nagy
87. Erin Silk
88. Rebeca Willis-Conger
89. Julia Bleier
90. Rianna Modi
91. Carly Feldman
92. Mia Redmond
93. Colin Barber
94. Opal
95. Emily Bronston-Joseph
96. Sara Fread
97. Yael Platt
98. Michelle Yiu
99. Emily Robbins
100. Jill Buckey
101. Sarah Bancroft
102. Milea Stauber

103. Natasha Geiling
104. Melissa Gomes
105. Aaron Goldstein
106. Joey Flegel-Mishlove
107. Kira Findling
108. Zach Carter
109. Nicholas Rio
110. Maize Cline
111. Ace Chen
112. Rachael
113. Suna Tamang
114. Kristin Nelson
115. Kyra Fleischman
116. Karen Shimoda
117. Kelly Shimoda
118. Anan Collymore
119. Michael Foulk
120. Melissa Gomes
121. Eli Conley
122. Allegra Mayer
123. Ian Buddy
124. Katie Knapp
125. Eliza Macy
126. Serina Jensen
127. Sonia Mistry
128. Maddison Pilgrim
129. Catherine McNelley
130. Chase La Piana
131. Anna McFall
132. Rico Chenyek
133. Ralph Leano Atanacio

Covid-19

134. Nadia Nashashibi
135. Joe Greaves, on behalf of the Alameda-Contra Costa Medical Association
136. Vicki Young
137. Thomas Lord
138. David Lerman

Commissions

139. Igor Tregub, on behalf of the Peace and Justice Commission
140. Lisa Bullwinkel

ADU and Golden Duplex

141. Jo Ann Driscoll

Mini-Grants for West Berkeley Projects

142. Lawrence Grown, on behalf of the West Berkeley Design Group

Rename Bancroft Way

143. Sean Peterson

Public Comments

144. Mark Numainville, City Clerk

Fireworks

145. Jolie

5G

146. Wisteria

Policing Matters

147. Ben Gerhardstein, on behalf of Walk Bike Berkeley

148. Genevieve Wilson

149. Holly Scheider (2)

150. Erwan Illian

151. Rebecca Weinstein

152. George Lippman

153. Russbumper (2)

Spokes Bike Lounge

154. Maya Wolf

155. Michael Golub

156. Paul Hainsworth

157. Meredith Nielsen

158. Jonathan Balaban

159. Tom Lent

Brown Girls Climbing

160. Ariel Winger

Alameda County Transportation Authority – Divert \$400,000,000

161. Gerald Cauthen, on behalf of Bay Area Transportation Working Group

Rent Board

162. Andrew Marowitz (2)

Budget

163. Kathryn Reasoner

164. Michelle Mascarenhas

165. Sammy Wess

166. Malcolm Margolin, on behalf of the California Institute for Community, Art and Nature

- 167. Rucha Kelkar
- 168. Oliver Katz
- 169. Claire Greensfelder
- 170. Lauren Hughes

1921 Walnut Street

- 171. Mayor Jesse Arreguin
- 172. Carol Christ, Chancellor of University of California at Berkeley

Rent Increases

- 173. Abderazak Mehdkour
- 174. Steven Christopher
- 175. Tony Benado

Berkeley Town Square Proposal

- 176. Kate Stechschulte
- 177. Councilmember Hahn

Bike Lanes on Ashby

- 178. Clay Miller

Supplemental Communications and Reports 1

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 179. Rena Rickles
- 180. Allison Riemer, submitted on behalf of the Land Use Planning Division
- 181. Amy Di Costanzo (2)

Item #18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

- 182. Supplemental material, submitted by Councilmember Bartlett
- 183. Zoe Merz
- 184. Cassidy Kanner-Gomes

Item #18c: Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

- 185. Moni Law
- 186. Norma Harrison
- 187. Igor Tregub, on behalf of the Sierra Club

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 188. Revised material, submitted by Councilmember Robinson
- 189. Briane Troutwine

Item #18a, 18b, 18c, 18d and 18e

190. Ralph Leano Atanacio
191. Amanda Sommers
192. Jeffrey Leach
193. Anne-Lise Francois
194. Lucy Ubano
195. Kaya Wooley
196. Trey Dao
197. Bailey Henderson
198. Eli Waldman
199. Ana Nguyen
200. Nina Didkovsky
201. MC de Martino
202. Ebru Odok
203. Ariella Brodie-Weisberg
204. R. Powers
205. Martine Glaros
206. Moira Huang
207. Jeannie Yang
208. Elijah Casas
209. Elana Auerbach
210. Valeri Chafograck
211. Sean O'Connor
212. Grace Patterson
213. Bill Press
214. Rebecca Fink
215. Elizabeth Ferguson
216. Anne Herrick
217. Isabel Barbera
218. Jeremy Lent
219. Clara Monk
220. Manuela Delnevo
221. Sydney Trieu
222. Avielle Sherman
223. Amelia Wiley
224. Elizabeth Wiley
225. Lynne Henderson
226. Margo Pottebaum
227. Reesa Goncalves
228. Linnea Brotz
229. Amani Ali
230. Riya Masters and Sam Warren
231. Avi Simon
232. Annie Liu
233. Alicia Terrero
234. Firdausi Sudarmadji
235. Mariah Wood

- 236. Diana Nguyen
- 237. Johanna Romero
- 238. Alison Lafferty
- 239. Kory Worley
- 240. Alexander Alvara
- 241. Kelsey Crutchfield-Peters
- 242. Nicole Giambastiani
- 243. Meghan Schwartz
- 244. Carolyn Phillips
- 245. Ann Garbarino
- 246. Soumili Mukherjee
- 247. Ashley Reynolds
- 248. Mia Kanzawa
- 249. Sara Gordon
- 250. Christine Garibian
- 251. Kur Uop
- 252. Abby Klinkenberg
- 253. Ann Johnson
- 254. Justin Reyes

Supplemental Communications and Reports 2

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 255. Joan Kovach

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

- 256. Elisa Mikiten
- 257. Liliane Nienstedt
- 258. Fran Haselsteiner
- 259. Ultraviolet
- 260. Amoolya Grandhi
- 261. Selina Knowles
- 262. Carmela Martinez
- 263. MC de Martino
- 264. Saya Linney
- 265. Stephen Carrillo
- 266. Marlies Staples
- 267. Naomi R.L.
- 268. Tyler Haddow
- 269. Candy Chang
- 270. Greyson Abid
- 271. Connor Jackson
- 272. Mel Darling
- 273. Nell Henderson
- 274. Leo Hamerlynck
- 275. Mindy Spyker

- 276. Gwen Hanley
- 277. Tobias Schmid
- 278. Michelle Braasch
- 279. Kate Pennington
- 280. Christopher Geary
- 281. Sarah Vernallis
- 282. Max Brimelow
- 283. Lena Bertozzi
- 284. Paige Hval
- 285. Emily Curtin
- 286. Rumur Dowling
- 287. Max Brimelow
- 288. Yelena Mandelshtam
- 289. Andrew McCormack
- 290. Henderson Peternell
- 291. Allyson Park
- 292. Sarah Blankespoor
- 293. 3 Similarly Worded Letters
- 294. 8 Similarly Worded Letters

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 295. Adora Svitak
- 296. Zach Franklin & Sofia Zander
- 297. Peyton Lewis
- 298. Maggie Parks
- 299. Barnali Ghosh, on behalf of Walk Bike Berkeley
- 300. Fran Haselsteiner
- 301. Mary Fata
- 302. George Lippman
- 303. David Lerman
- 304. Michael Katz
- 305. Forest Kaser
- 306. Neha Chheda
- 307. Katy Love
- 308. Jeff White
- 309. Leo Hamerlynck
- 310. Ben Gerhardstein
- 311. Tom Lent
- 312. Nate Bohm-Levine
- 313. 65 Similarly Worded Letters

Item #18a, 18b, 18c, 18d and 18e

- 314. Jena Angra
- 315. Chrystal Chern
- 316. Vivienne Zenteno
- 317. Alfred Twu

- 318. Michael Pissos
- 319. Sarah Ferrell
- 320. Lorraine Mahley
- 321. Shaun Garrison
- 322. Melissa Galinato
- 323. Racism and Criminal Justice Reform group
- 324. Blair Beekman
- 325. Dawn Neering
- 326. Maica Belknap
- 327. Joseph Maxey
- 328. Ali Raj
- 329. Shaun Garrison
- 330. Sally (Sarah) Nelson
- 331. Juli Dickey
- 332. Bo Prochnow
- 333. Michael Kim
- 334. Elliot Halpern and Linda Halpern
- 335. Jordan Burns
- 336. Cindy Shamban
- 337. Elizabeth Grubb
- 338. Annalise Taylor
- 339. Jeff Turgeon
- 340. Jacob Bukoski
- 341. Andrew Cheng
- 342. Jameson Davis
- 343. Anthony Abel
- 344. Maryn Sanders
- 345. Joya Manjur
- 346. Summer Brenner

Urgency Item: Letter to UC Berkeley Chancellor Christ re: COVID and Fall 2020 Plans

- 347. Councilmember Wengraf

Supplemental Communications and Reports 3

Item #1: FY 2021 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

- 348. Bob Flasher (2)
- 349. David Brannigan, Fire Chief

Item #17: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

- 350. Dennis Fox
- 351. Robin Ramsey and Hank Roberts
- 352. Rachel Sommerville & Tom Athanasiou
- 353. John and Bryn Smallwood-Garcia
- 354. Karen Warrick

355. Rena Rickles, Law Office

Item 18a: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis

- 356. Elisa Mikiten
- 357. Katie Cording
- 358. Mary Elieisar
- 359. Haak Saxberg
- 360. Betsy Strode
- 361. Peace & Justice Commission

Item #18b: Support Redistribution of City Resources and Operations from the Berkeley Police

- 362. 131 identically worded form letters
- 363. 36 similarly worded form letters
- 364. Delara Chizari
- 365. Mark Babin
- 366. Satchi Thockchom
- 367. Nicholas Townsend
- 368. Margaret Ross
- 369. Allegra Mayer
- 370. Terri Saul
- 371. Mary Rassenfoss
- 372. Robert Brenner
- 373. Cat Adams
- 374. Derek Imai, on behalf of the Associated Students University California
- 375. Max Hare
- 376. Nancy Lenox
- 377. Gina Drescher
- 378. Hailey Holl-Valdez
- 379. Eva Langenthal
- 380. Joyce Lee
- 381. Kate Brosgart
- 382. Bill Kinder
- 383. Dylan Bergeson
- 384. David Schroeder
- 385. Max Ventura
- 386. Naima Sudjina-Carlisle
- 387. Daniel Milutin
- 388. Adele Failes-Carpenter
- 389. Madeliine Levac
- 390. Giancarlo Tucci-Berube
- 391. Judy Greenspan
- 392. Lydia Conklin
- 393. Emily Bronston-Joseph
- 394. Adam Charzin-Gray
- 395. Christy Stanker

396. Jessica Williams
397. Jane Francis
398. Suzanne Merkelson
399. Geoff Lomax
400. Adam Wilan
401. Allyson Bogie
402. Virginia Lyon
403. Julia Cato
404. Rebecca Tarnopol
405. Tessa Maurer
406. Tyler Gholson
407. Hanna Morris
408. Bill Bogert
409. Annie Dade
410. Frances Hillyard
411. Hannah Forsberg
412. Diana Rossi
413. Alison Hamaji
414. Heriberto Castellanos
415. Michael Chavez
416. Rachael Ryan
417. Elana Auerbach
418. Brenda Salguero
419. Jenny Rempel
420. Gloria Pass
421. Phoebe Sorgen
422. Cian Dawson
423. Eli Conley
424. Kelsey Crutchfield-Peters
425. Berkeley Copwatch
426. Andres Navarro
427. Nolan Boomer
428. David Mateer
429. Giancarlo Tucci-Berube
430. Diana Bohn
431. Hillary Brooks
432. Joseph Jackson
433. Lindsey Yamane
434. Daniel Freeman
435. Lucia Hammond
436. Kobi Naseck
437. Jesse Barber
438. Stepholivelind@
439. Meryl
440. Amy Kimmel
441. Sadia Khan

- 442. Clara Mates
- 443. Peter Pursley
- 444. Elisa Mikiten
- 445. Yes Duffy
- 446. Eli Mehlferber
- 447. Ingrid Pollyak
- 448. Blake Bogert
- 449. Seth Chazin
- 450. Gina Drescher
- 451. L. Renee Smith
- 452. Adam Drescher
- 453. Mary Behm-Steinberg
- 454. Vicky Aronson
- 455. Chimey Lee
- 456. Ian Buddy
- 457. Bhuma Subramaniam
- 458. Alyssa Chung
- 459. Matt Ward
- 460. Lorraine Mahley
- 461. Ashley Aaron
- 462. Des Michel
- 463. Andrew Banks
- 464. Julia Sen
- 465. Hannah Haugenes
- 466. Melanie Brazzell
- 467. Michael Cabanatuan
- 468. David Lerman

Item # 18c: Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley

- 469. Vicky Aronson

Item 18d: Transform Community Safety and Initiate a Robust Community Engagement Process

- 470. Elisa Mikiten (2)
- 471. Christine Liu
- 472. Erin Silk
- 473. Vicky Aronson

Item #18e: BerkDOT: Reimagining Transportation for a Racially Just Future

- 474. 39 identical form letters
- 475. Andrew Collins
- 476. Rebecca Selin
- 477. Molly Franklin
- 478. Francis Tatem

- 479. Drew Finke
- 480. Richard Rothbart
- 481. Kristin Stangl
- 482. Nathan Hasegawa
- 483. Ayden Winter
- 484. Vita Wells
- 485. Kris Harmelink
- 486. Nathan Mizell, on behalf of the Associated Students University of California
- 487. Tori Larson
- 488. Liza Lutzker
- 489. Leslie Wozniak
- 490. Chimey Lee
- 491. Tom Lent
- 492. Anna McFall
- 493. Josh Nomkin
- 494. Abigail Brown
- 495. Vicky Aronson
- 496. Bekah Stroik
- 497. Christopher Poresky
- 498. Josh Buswell-Charkow
- 499. Stephanie Montoya

Item #18a-18e

- 500. Supplemental material, submitted by Mayor Arreguin
- 501. Christine Schwartz
- 502. Erica Etelson
- 503. David Ying
- 504. Moni Law
- 505. Sarah Bancroft
- 506. Thomas Luce
- 507. J & J Schroeder
- 508. Russbumper
- 509. Blair Beckman

Urgent Item: Letter of Support to State Officials Requesting Reclassification of the Oakland Zoo as an Outdoor Museum

- 510. Urgency item, submitted by Councilmember Kesarwani

Miscellaneous

Graffiti at Police Station

- 511. Bud Haxelkorn
- 512. Geoff Lomax

Confidence in Police Chief

- 513. Jane Ellis
- 514. Barbara Gilbert

Menstrual Products for Homeless

515. Annie Nalty

Berkeley Parks and Recreation

516. Rainbow Rubin

1921 Walnut Street

517. Max Ventura

Easy Does It Proposed Cuts

518. Megan Schirle

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, July 21, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89031983199>. 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.

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Preliminary Matters

Roll Call: 4:05 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 4:08 p.m.

Action: M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 2a and Item 4.

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

Action Calendar

1. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

(Continued from June 30, 2020)

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.

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

Financial Implications: See report

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

Action: 14 speakers. M/S/C (Davila/Robinson) to continue the item to July 30, 2020.

Vote: All Ayes.

2a. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions**

From: City Manager

Recommendation:

1. Adopt a Resolution placing charter amendment measure on the November 3, 2020 Ballot to repeal the residency requirement for sworn members of the Berkeley Fire Department, conform the eligibility requirements of the Redistricting Commission with state law, and change to gender-neutral language through the text.

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

Financial Implications: See report

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

Action: 4 speakers. M/S/C (Arreguin/Droste) to continue the item to July 30, 2020 including the supplemental materials.

Vote: All Ayes.

Action Calendar

2b. Placing Charter Amendment Measure on the November 3, 2020 Ballot to Repeal the Residency Requirement for Sworn Members of the Berkeley Fire Department *(Continued from June 30, 2020)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting an Amendment to Article VII of the City Charter regarding the residency requirement for sworn members of the Fire Department to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: No action taken.

3. Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to fund firefighting, emergency medical response and communications, and wildfire prevention and preparedness to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 8 speakers. M/S/C (Wengraf/Arreguin) to:

1. Adopt Resolution No. 69,502–N.S. amended to add “hazard mitigation” to the ballot question, the title of measure, and in Section 7.83.010A and Section 7.83.010D3 of the ordinance.
2. Designate Councilmember Wengraf, Vice-Mayor Hahn, and Councilmember Harrison to draft and submit the ballot arguments on behalf of the Council.

Vote: All Ayes.

Action Calendar

4. **Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to adopt a tax on Transportation Network Companies to a vote of the electors at the November 3, 2020 General Municipal Election.

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

Financial Implications: See report

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

Action: 12 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt Resolution No. 69,503–N.S. as amended in the revised materials accepted by the Council at the meeting from Mayor Arreguin and further revised as follows:

- Remove reference to zero-emission discount throughout resolution and measure text
- Add the inflator language from the parcel tax to Section 7.71.030
- Revised Section 7.71.020 regarding pooled prearranged trips
- Revised Section 7.71.020M to change “rides” to “trips”

2. Designate Mayor Arreguin, Vice-Mayor Hahn, and Councilmembers Harrison and Droste to draft and submit the ballot arguments on behalf of the Council.

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

5. **Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution**

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election.

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

Financial Implications: See report

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

Action: 11 speakers. M/S/C (Arreguin/Robinson) to continue the item July 30, 2020 with the amendments discussed at the meeting.

Vote: All Ayes.

Action Calendar

6. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral** (*Continued from June 30, 2020*) (*Item contains supplemental material.*)

From: Energy Commission

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

Financial Implications: See report

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

Action: 3 speakers. M/S/C (Arreguin/Hahn) to continue the item to July 30, 2020 to be agendized as a/b items with the Utility Users Tax item.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 10:05 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 21, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

1. Barbara Gilbert

Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

2. Supplemental material, submitted by Councilmember Hahn

Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies

3. Ben Paulos
4. Thomas Gregory

Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs

5. Nancy Rader & Richard Norgaard
6. Eric Arens
7. League of Women Voters of Berkeley, Albany and Emeryville
8. Thomas Lord
9. Ray Yep, Margo Schueler, Gordon Wozniak and Jim McGrath
10. Barbara Gilbert

Supplemental Communications and Reports 3

Item #1: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers

11. Barbara Gilbert (2)
12. Councilmember Harrison

Item 2a: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

13. Revised material, submitted by Mayor Arreguin
14. Revised material, submitted by Mayor Arreguin with City Attorneys comments

Item #3: Placing a Special Tax Measure on the November 3, 2020 Ballot to Fund Firefighting, Emergency Medical Response and Communications and Wildfire Prevention and Preparedness

15. Jay Tharp
16. makemydayz@

Item #4: Placing a Tax Measure on the November 3, 2020 Ballot to Adopt a Tax on Transportation Network Companies

17. Revised material, submitted by Mayor Arreguin
18. Kelli Fallon, on behalf of the Bay Area Council
19. Peter Slowik (2)
20. Liza Lutzker
21. Robert Abiad
22. Trish Krajniak
23. Michael Colvin, on behalf on the Environmental Defense Fund
24. Chimey Lee

Item #5: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Fund Climate Equity Programs

25. Jessica Woodard
26. Pat Kennedy
27. Thomas Lord
28. Elyce Klein
29. Thomas Yamaguchi

Item #6: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral
30. Bryce Nesbitt

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, July 21, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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Preliminary Matters

Roll Call: 10:12 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 10:21 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 6 speakers.

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

Vote: All Ayes.

1. **Berkeley Electric Mobility Roadmap**

From: City Manager

Recommendation: Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,504–N.S. amended to include that the Working Group will engage relevant commissions as part of their work.

2. **Evaluation and Recommended Updates to the Building Energy Savings Ordinance (BESO)**

From: City Manager

Recommendation: Refer to City Manager to amend the Building Energy Saving Ordinance (BESO), Chapter 19.81.170 of the Berkeley Municipal Code, to align with building electrification goals, leverage upcoming rebates and incentives, and develop mandatory energy requirements to be phased in.

Financial Implications: See report

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

Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Consent Calendar

3. **Referral Response: Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits**
From: City Manager
Recommendation:
1. Delay adoption of the first reading of an ordinance amending the Berkeley Municipal Code (BMC) Chapter 7.52 to expand the Seismic Transfer Tax Rebate Program to include qualifying sustainability and resilience measures, and any associated budget requests, until FYE 2022 when more information on budget due to COVID-19 response and recovery is available; and
 2. Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents.
- Financial Implications:** See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
4. **Referral Response: Expanding community engagement within work to address Climate Impacts**
From: City Manager
Recommendation:
1. Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions; and
 2. Refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as “Environmental Sustainability and Climate Impacts.”
- Financial Implications:** See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Approved recommendation.
Vote: Ayes - Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste.

Action Calendar

5. **Presentation: Climate Action Plan and Resilience Update**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Action:** M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: Ayes - Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Harrison.
- Action:** 5 speakers. Presentation made and discussion held.

Adjournment

Action: A adjourned the meeting in memory of the following individuals.

1. John Lewis, Civil Rights Leader and U.S. Congressman
2. C.T. Vivian, Minister and Civil Rights Leader
3. Cecele S. Levinson, Community Activist

Adjourned at 11:15 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 21, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item # 5: Presentation, Climate Action Plan and Resilience Update

1. Kathy Dervin, on behalf of the 350 East Bay – Berkeley Hub

Supplemental Communications and Reports 3

Item # 1: Berkeley Electric Mobility Roadmap

2. Tom Lent (2)

Item #2: Evaluation and Recommended Updates to the Building Energy Savings Ordinance (BESO)

3. Mary Canavan

Item #3: Referral Response: Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits

4. Ben Paulos

Item # 5: Presentation, Climate Action Plan and Resilience Update

5. Presentation, submitted by the City Manager

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

THURSDAY, JULY 23, 2020

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 3:03 p.m.

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

Absent: Bartlett, Wengraf

Councilmember Bartlett present at 3:18 p.m.

Councilmember Wengraf present at 3:22 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Jonathan Holtzman, Chief Labor Negotiator, Burke Dunphy, Chief Labor Negotiator, David Brannigan, Fire Chief, Andy Greenwood, Police Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Service Employees International Union, Local 1021 Community Services and Part-Time Recreation Leaders Association, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association, PEU Local 1.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION; SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

- a. One case

Action: No reportable action taken.

OPEN SESSION:

No reportable actions.

Adjournment

Action: M/S/C (Harrison/Hahn) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 4:57 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 23, 2020.

Mark Numainville
City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, July 23, 2020

4:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
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Preliminary Matters

Roll Call: 5:07 p.m.

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

Absent: Bartlett, Wengraf

Councilmember Wengraf present at 5:11 p.m.

Councilmember Bartlett present at 5:12 p.m.

Action Calendar – Public Hearings

1. ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153
(Continued from July 14, 2020)

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story that would increase the average building height from 16 feet 3½ inches to 23 feet 7½ inches, and adding a fifth bedroom, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 11 speakers.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Davila) to re-open the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to adopt Resolution No. 69,505–N.S. affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2018-0153 to enlarge an existing 1,212 square-foot, one-story single-family dwelling with a non-conforming front setback on a 4,200 square-foot lot by constructing a 1,035 square-foot addition, including a new second story, and adding a fifth bedroom, and dismiss the appeal, amended to establish a maximum finished height of the building at 283.57 feet above sea level, accept all the ZAB conditions, and include modified condition 32 to require the survey of the height after the framing of the rafters.

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

Adjournment

Action: M/S/C (Robinson/Hahn) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 7:20 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 23, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153

1. Robin Ramsey and Hank Roberts
2. Amy Di Costanzo
3. Rena Rickles, Law Office of Rena Rickles

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, July 23, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 7:30 p.m.

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

Absent: None.

Action Calendar – Old Business

- 1. Animal Services Contract with the City of Piedmont** (*Continued from July 14, 2020*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with the City of Piedmont for animal care services for FY2021-FY2025, which increases the existing contract by up to \$180,134, with a total contract amount not to exceed \$441,984.
Financial Implications: See report
Contact: Erin Steffen, City Manager's Office, (510) 981-7000
Action: 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 69,506–N.S.
Vote: Ayes – Kesarwani, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison; Absent – Wengraf.

Action Calendar – Public Hearings

- 2. ***Removed from Agenda – Scheduled for a special meeting on July 23, 2020 at 4:30 p.m.*** ZAB Appeal: 1533 Beverly Place, Administrative Use Permit #ZP2018-0153** (*Continued from July 14, 2020*)
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar

3. Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force
From: Police Review Commission

Recommendation: Approve a revised Use of Force policy for the Berkeley Police Department as recommended by the Police Review Commission.

Financial Implications: See report

Contact: Katherine Lee, Commission Secretary, (510) 981-4950

Action: M/S/C (Arreguin/Hahn) to accept revised materials from Councilmember Harrison for Item 3.

Vote: All Ayes.

Recess 10:17 p.m. – 10:28 p.m.

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

Vote: All Ayes.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Action: M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:45 a.m.

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

Action: M/S/Carried (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:45 a.m.

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

Action: M/S/C (Harrison/Arreguin) to call for the previous question on Item 3.

Vote: All Ayes.

Action: 56 speakers. M/S/C (Harrison/Davila) to approve the revised use of force as proposed in Councilmember Harrison's item accepted at the meeting with the following amendments.

- Section 300.1.3 – amended to read:
C. MINIMIZING THE USE OF DEADLY FORCE. Deadly force may only be used when it is objectively reasonable that such action is immediately necessary to protect the officer or another person from imminent danger or death or serious bodily harm. Officers shall not use deadly force if it is objectively reasonable that alternative techniques will eliminate the imminent

Action Calendar

danger and ultimately achieve the law enforcement purpose with less risk of harm to the officer or to other persons

- Section 300.4 – amended to read:
An officer's use of deadly force is justified only when it is objectively reasonable based on the totality of the circumstances, that such force is objectively necessary to, 1) defend against an imminent threat of death or serious bodily injury to the officer or another or 2) apprehend a suspected fleeing person for any felony that threatened or resulted in death or serious bodily injury, provided it is objectively reasonable that the person will cause imminent death or serious bodily injury to another unless immediately apprehended.

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless it is objectively reasonable that the person is aware of those facts.

An officer shall not use deadly force against another person unless it is objectively reasonable that using deadly force would not unnecessarily endanger innocent people.

Lethal force is prohibited when its sole purpose is to effect an arrest, overcome resistance or prevent a subject from escaping when the subject does not present an immediate danger of death or serious bodily injury. Lethal force is also prohibited solely to prevent property damage or prevent the destruction of evidence.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention.

- Section 300.6 is amended to read as follows:
All uses of force shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident and the level of force used. The officer should articulate the factors perceived and why they believed the use of force was objectively reasonable and objectively necessary under the circumstances. Whenever an officer or employee uses Oleoresin Capsicum (pepper spray) they must also complete a "Use of Pepper Spray Report." Whenever an officer or employee use body wrap or spit hood restraint devices they must also complete a "Use of Restraint Device Report" and document, review and report such uses in accordance with section 300.11.

Upon receiving notification of a use of force, an uninvolved supervisor, when feasible, shall determine the level of force reporting level, investigation,

Action Calendar

documentation and review requirements.

- The adopted Use of Force Policy 300 will be effective October 1, 2020.
- The adopted policy does not make any changes to the previously adopted ban on tear gas.
- The Council refers to the City Manager a request for an analysis by the City Attorney of the recent court decision in Oakland regarding the use of tear gas and mutual aid.
- The Council refers to the Police Review Commission and the Public Safety Committee the issue of providing an allowance for the Special Response Team to use tear gas in certain circumstances.

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

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

(Continued from June 9, 2020)

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

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.

Action Calendar

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

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to continue Item 4 to July 28, 2020.

Vote: All Ayes.

Adjournment

Adjourned at 12:45 a.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 23, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #3: Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force

1. Revised material, submitted by Councilmember Harrison
2. Revised material, submitted by the City Manager
3. Supplemental material, submitted by the Police Department
4. City of Oakland Community Police Review Agency
5. BART, Office of the Independent Police Auditor
6. James Chanin
7. Moni Law (2)

Supplemental Communications and Reports 3

Item #3: Referral Response: Police Review Commission Recommendation on a Revised Berkeley Police Department Policy 300, Use of Force

8. Revised material, submitted by Councilmember Harrison
9. Juli Dickey
10. Janice Schroeder (2)
11. Diana Bohn
12. Lisa Teague
13. Erica Etelson
14. Max Ventura (2)
15. Elizabeth Ferguson
16. Sanah Basrai
17. Marjorie Fletcher
18. Lindsey Yamane
19. Wynd Kaufmyn
20. Mariah Castle
21. Judith Grether
22. Kate Geronemus
23. David Seegal
24. Moni Law
25. Smeeta Mahanti
26. Christine Garibian
27. Marcy Rein
28. George Perezvelez
29. Martha-Lou Wolff
30. Julie Leftwich
31. Ivar Diehl and Siobhan Lettow
32. Michael Chang
33. John Lopez
34. Julia Sen
35. Amy Garlin
36. MJ Baumann
37. Councilmember Harrison
38. Michael McBride
39. Thomas Lord
40. Karen Pita Loor

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, JULY 28, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session 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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88655739778>. 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.

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Preliminary Matters

Roll Call: 4:07 p.m.

Present: Davila, Bartlett, Robinson, Droste, Arreguin

Absent: Kesarwani, Harrison, Hahn, Wengraf

Councilmember Kesarwani present at 4:21 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	5385 Cazadero Hwy, Cazadero, CA 95421
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks Recreation and Waterfront
Negotiating parties:	City of Berkeley and Cazadero Performing Arts Camp
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	225 University Avenue, Berkeley, CA
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks Recreation and Waterfront
Negotiating parties:	City of Berkeley and Qasemi Abdul Moquim dba Berkeley Sportsman Center
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:05 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held by the City Council on July 28, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 28, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:07 p.m.

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Clark Sylvan, Local Activist

City Manager Comments:

The City Manager provided a presentation on the SMART Roadmap

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt temporary rules to allow the Presiding Officer additional discretion to adjust the time allotted for public comment to under two minutes if needed.

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

Action: M/S/C (Arreguin/Wengraf) to adopt Item 42 on the Consent Calendar as amended to be a referral to the City Manager, Planning Commission, and Land Use, Housing, and Economic Development Committee.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste (Recused – lives on golden duplex eligible parcel)

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

Vote: All Ayes.

Consent Calendar

- 1. Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,726-N.S. amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems).
First Reading Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Absent – None.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,726–N.S.
- 2. City Consent to Declaration of Easements Between 2009 Addison and 2015 Addison**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,728-N.S. authorizing the City Manager to give City consent to an amended declaration of easements for safety and access between 2015 Addison Street, which is owned by the Berkeley Repertory Theater, and 2009 Addison Street, owned by the Joint Powers Financing Authority, leased by the City of Berkeley, and subleased to the Berkeley Repertory Theater.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,728–N.S.
- 3. Resolution Reviewing and Ratifying the Proclamation of 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 and June 16, 2020.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,507–N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of June 2, 2020 (closed and regular), June 9, 2020 (special and special), June 16, 2020 (special, special and regular), June 22, 2020 (closed), June 23, 2020 (special), June 24, 2020 (closed) and June 30, 2020 (closed and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

5. Establish 2021 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2021, with starting times of 6:00 p.m.

Financial Implications: None

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

Action: Adopted Resolution No. 69,508–N.S.

6. Grant to Animal Services from the Avast Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a grant for Animal Services from the Avast Foundation in the amount of \$10,000.

Financial Implications: Animal Services Donation Fund - \$10,000 (grant)

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,509–N.S.

7. Grant from the California Arts Council

From: City Manager

Recommendation: Adopt a Resolution accepting a \$10,500 grant from the California Arts Council for the Berkeley Civic Arts Program to partner with the Berkeley Unified School District (BUSD) and four community arts providers to provide arts programming for BUSD summer sessions.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,510–N.S.

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 28, 2020

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 - \$8,645,000

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

Action: Approved recommendation.

Consent Calendar

- 9. Contract No. 32000094 Amendment: Youth Spirit Artworks to Provide Transition Age Youth (TAY) Case Management and Linkage Services From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2021 in an amount not to exceed \$317,000. This will extend the existing contract by one year and add in \$100,000.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,511–N.S.
- 10. Revenue Grant Agreement: Federal COVID19 Funding Support from the Centers for Disease Control and Prevention for the Epidemiology and Laboratory Capacity CARES Grant From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Heluna Health, to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: Public Health Emergency Preparedness’s COVID-19 Response Program in the projected allocation of \$196,965 for FY 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,512–N.S.
- 11. Operating Funding for Community Housing Development Organizations From: City Manager**
Recommendation: Adopt a Resolution: 1. Approving a multiyear operating funding contract for Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA), starting FY21 and ending FY25; 2. Approving funding in the amount of \$50,000 to RCD and \$50,000 to SAHA for FY21; 3. Authorizing City Manager or her designee to determine the amount of funding to be awarded to each organization in subsequent years, FY22 to FY25, based on the amount of the City’s annual allocation of Community Housing Development Organization (CHDO) HOME funds and availability of General Fund match; and 4. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,513–N.S.

Consent Calendar

- 12. California Mental Health Services Authority (CalMHSA) Participation Agreement for the Mental Health Services Act, Innovations, Help@Hand Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an agreement with the California Mental Health Services Authority (CalMHSA) to enable the City of Berkeley to participate in the Mental Health Services Act (MHSA) Innovations (INN) Help@Hand multi-county collaborative project, and to extend the project through June 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,514–N.S.
- 13. Contract Amendments: Contract No. 42000079 with Community Services Block Grant (CSBG) for Calendar Year 2020-21 and Contract No. 32000238 with Downtown Berkeley Association (DBA) for Double Helping Hand Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to:
1. Execute an amendment to Contract No. 42000079 with the State of California’s Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Contract Number 20F-3001 to increase the amount to \$304,355 and extend the contract period to May 31, 2021, and to execute any resultant agreements and amendments to provide services to low-income people for the period January 1, 2020 to May 31, 2021; and
2. Execute an amendment to Contract No. 32000238 with the Downtown Berkeley Association (DBA) for the Double Helping Hand program for meals for the unhoused population by providing an additional \$37,492 in CSBG funding for a total amount not to exceed \$87,492.
Financial Implications: See report
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,515–N.S.
- 14. Contract No. 7167J Amendment: Superior, LLC for Upgrade and Support Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167J with Superior, LLC for development of functionalities, installation and preparation for the software upgrade of the City’s FUND\$ system on the AS400 platform, increasing the contract amount by \$90,000 for a total not-to-exceed amount of \$3,565,765 from July 1, 2006 through June 30, 2021.
Financial Implications: Various Funds - \$90,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,516–N.S.

Consent Calendar

- 15. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Website Redesign, Web Content Management System (CMS), and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for the additional web application development, for an amount not-to-exceed \$72,000 and a total contract value not-to-exceed \$559,300 from March 1, 2019 to June 30, 2022.
Financial Implications: IT Cost Allocation Fund -\$72,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,517–N.S.
- 16. Contract No. 10549A Amendment: Tyler Technologies Enterprise Resource Planning System for software licensing, implementation and maintenance services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Tyler Technologies for software licensing, enhanced implementation services and maintenance services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$650,000 and a total contract value not to exceed \$3,952,663 from April 1, 2017 to June 30, 2023.
Financial Implications: FUND\$ Replacement Fund - \$650,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,518–N.S.
- 17. Contract No. 10515A Amendment: Tyler Technologies, Inc. for New World Public Safety Computer Aided Dispatch (CAD 911) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10515A with Tyler Technologies, Inc. for New World's Computer Aided Dispatch (CAD) for Police and Fire, Mobile messaging and field reporting modules, for license renewal, software support and maintenance services, increasing the amount by \$367,500, for a total not to exceed \$1,555,230 for the period March 30, 2017 to June 30, 2021.
Financial Implications: General Fund - \$367,500
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,519–N.S.
- 18. Contract: ePlus for Cohesity Backup Solution and Hosted Cloud Storage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with ePlus for the Cohesity backup solution and hosted cloud storage, for a total contract amount not to exceed \$608,400 for the term September 1, 2020 through August 31, 2025.
Financial Implications: IT Cost Allocation Fund - \$608,400
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,520–N.S.

Consent Calendar

- 19. Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), for a total not to exceed amount of \$405,000, from September 1, 2020 to August 31, 2023.
Financial Implications: IT Cost Allocation Fund - \$405,000
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,521–N.S.
- 20. MOU with “A Safe Place” Domestic Violence Shelter**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with A Safe Place, a domestic violence shelter provider, and authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,522–N.S.
- 21. MOU with California Department of Justice to Accept Grant for Submission and Testing of Sexual Assault Evidence**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled “Memorandum of Understanding with the California Department of Justice.” The Berkeley Police Department has been selected to receive a \$312,284 grant for testing untested Sexual Assault Evidence. Approving this MOU will allow reimbursement of testing expenses and related costs covered by the grant. Authorize the Chief of Police to enter into this agreement and any amendments.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,523–N.S.
- 22. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,729–N.S. Second reading scheduled for September 15, 2020.

Consent Calendar

23. Grant Applications: Highway Safety Improvement Program Cycle 10

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Highway Safety Improvement Program (HSIP) Cycle 10 for the following projects: Protected Left-Turn Signals at multiple signalized intersections for up to \$4 million and Sacramento Street Pedestrian Crossings for up to \$250,000.

Financial Implications: See Report

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

Action: Adopted Resolution No. 69,524–N.S. (Protected Left-Turn Signals) and Resolution No. 69,525–N.S. (Sacramento Street).

24. Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.

Financial Implications: Various Funds - \$25,000

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

Action: Item 24 continued to September 15, 2020.

25. Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Codornices Creek Restoration Kains Avenue Project, Specification No. 20-11368-C; accepting the bid of McNabb Construction Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$550,127.

Financial Implications: Various Funds - \$550,127

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

Action: Adopted Resolution No. 69,526–N.S.

Consent Calendar

- 26. Referral Response: An Action Plan for Greening the City of Berkeley Fleet of Vehicles**
From: City Manager
Recommendation: Receive the City of Berkeley Municipal Fleet Electrification Assessment, a plan to accelerate Berkeley's municipal fleet electrification by 2030, and refer to the City Manager to pursue grant and rebate opportunities through East Bay Community Energy and other entities to support its recommendations for transitioning fleet vehicles away from fossil fuels to electric vehicles, including charging infrastructure and associated distributed energy resource options.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Approved recommendation.
- 27. 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 June 29, 2020, the Agenda and Rules Committee made a Positive Recommendation to the City Council that the item be referred to the Agenda & Rules Committee to be considered with other related referrals from the Fair Campaign Practices Commission.)
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Approved recommendation to refer the item to the Agenda & Rules Committee for review.

Council Consent Items

- 28. Opposition to Nuclear Warfare**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution marking the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki with a call to prevent nuclear war.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,527–N.S.

Action Calendar

- 29. Support Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to Berkeley Humane Society's Nonprofit Bark (& Meow) for the Around the Block Adoption Event and Family Street Fair in West Berkeley on August 29, 2020, organized by Berkeley Humane Society, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute. (COVID-19 Update: If it is not safe to hold the one-day event a month-long virtual adopt-a-thon will be held instead to find homes for over 100 shelter pets).
Financial Implications: See report
 Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,528–N.S. revised to include a contribution from Councilmember Wengraf for up to \$100.
- 30. Providing our Unhoused Community in the City of Berkeley with Menstrual Products** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Davila (Author)
Recommendation:
1. Adopt a Resolution to create an allocation of the budget towards annual purchasing of menstrual products and dispensers that will be distributed in three ways: A. Regularly scheduled replenishment of dispensers across public restrooms; B. Provide supplies to the City supported shelters, mental health offices, shower programs, and navigation centers; C. Homeless Outreach to include distribution to encampments and RV dwellers.
 2. Resolution will allocate \$10,000 of the budget for the first year, and \$8,000 for every consecutive year.
 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.
- Financial Implications:** See report
 Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmembers Bartlett and Droste added as co-sponsors. Adopted revised item in Supplemental Communications Packet #2 to adopt recommendation #3 only.

Action Calendar

31. Resolution in Support of 1921 Walnut Street

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

Recommendation: Adopt A Resolution In Support of The Preservation of 1921 Walnut Street, Currently Under The Threat of Being Purchased and Demolished by the University of California at Berkeley.

Financial Implications: None

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

Action: Councilmember Robinson and Mayor Arreguin added as co-sponsors.

Adopted Resolution No. 69,530–N.S. as amended at the meeting by Councilmember Harrison.

32. Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

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

Recommendation: 1. Adopt a Resolution, contingent upon voter approval of the Charter Amendment contained in Resolution No. 69,363-N.S., implementing the following core Police Accountability Board and Director of Police Accountability functions and policy changes by July 1, 2021: a. Establish and convene the Police Accountability Board with all investigatory, policy and other authorities, and; b. To assist in an orderly transition between the Police Review Commission and the Police Accountability Board established by this Article, Police Review Commission staff shall serve as interim Police Accountability Board staff until the City hires a Director of Police Accountability.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 69,531–N.S.

33. Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank

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

Recommendation: Adopt A Resolution In Support of AB 310 converting the California Infrastructure Bank (IBank) to a depository institution serving as a public bank for the State of California, its counties, municipalities and regional authorities.

Financial Implications: None

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

Action: Mayor Arreguin and Councilmember Wengraf added as co-sponsors.

Adopted Resolution No. 69,532–N.S. as revised in Supplemental Communications Packet #2.

Action Calendar

34. **Oppose AB 2167 & SB 292**

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

Recommendation: Approve a letter opposing AB 2167 (Daly & Cooley) Insurance Action Market Plan and SB 292 (Rubio & Jones) Wildfire Risk Modeling and Mitigation, and send to Assembly Members Tom Daly and Ken Cooley and Senators Susan Rubio and Brian Jones, with copies to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

Financial Implications: None

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

Action: Approved recommendation.

35. **Support for SB 288: Sustainable Transportation COVID-19 Recovery Act** **From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 288, which would exempt specified transportation projects from environmental review under CEQA, including bus rapid transit projects, pedestrian and bicycle facilities, and zero-emission charging stations

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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

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

36. **Support for SB 902: Authorizing Cities to Rezone for Density**

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Senator Scott Wiener, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 902, which would authorize local governments to upzone urban infill sites and parcels in transit- or jobs-rich areas for up to 10 units of residential density.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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

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

Action Calendar

- 37. Support for AB 2542: The California Racial Justice Act**
From: Councilmember Robinson (Author) , Councilmember Bartlett (Co-Sponsor) , Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2542, which would prohibit the state from seeking or obtaining a criminal conviction, or from imposing a sentence, based on race, ethnicity, or national origin.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 38. Support for AB 2345 (CA Density Bonus)**
From: Councilmember Droste (Author)
Recommendation: That the Berkeley City Council send a letter supporting AB 2345, authored by Assemblymember Lorena Gonzalez and Assemblymember David Chiu which will help address California's housing crisis by expanding the state density bonus for housing developers who commit to building additional affordable units.
Financial Implications: None
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Councilmember Robinson added as a co-sponsor. Approved recommendation.
Vote: Ayes – Kesarwani, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison; Abstain – Davila, Hahn.

Action Calendar – Public Hearings

- 39. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt amendments to the Urgency Ordinance (Number 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 5 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Harrison) to adopt first reading of Ordinance No. 7,730–N.S. as written in Supplemental Communications Packet #1. Second reading scheduled for September 15, 2020.
Vote: All Ayes.

Recess 8:35 p.m. – 8:47 p.m.

Action Calendar – Public Hearing

40. **General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;
2. Adopt first reading of an Ordinance amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31.

Financial Implications: See report

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

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

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

Vote: All Ayes.

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

1. Adopt Resolution No. 69,533–N.S.
2. Adopt first reading of Ordinance No. 7,731–N.S. Second reading scheduled for September 15, 2020.
3. Approve recommendation.

Vote: All Ayes.

Action Calendar – New Business

41. **Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)**

From: Rent Stabilization Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Matt Brown, Rent Stabilization Board, (510) 981-7368

Recess 10:07 p.m. – 10:16 p.m.

Action: 6 speakers. No action taken.

Council Action Items

- 42. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**
From: Councilmember Harrison (Author)
Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Consent Calendar. Approved recommendation as revised below:
1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.
2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.
- 43. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty**
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt an urgency ordinance 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.
2. Adopt a resolution requesting the University of California at Berkeley voluntarily comply with local eviction moratoriums, rent suspension ordinances, and ordinances empowering tenants to terminate their leases without penalty.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Item 43 continued to September 15, 2020.

Action Calendar – Continued Business

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

(Continued from July 23, 2020)

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

Recommendation:

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
 - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
 - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
 - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds (“First Amendment Curfews”), as enumerated (1-8) under the “Background” section of this item, below.
3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

Financial Implications: See report

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

Action Calendar – Continued Business

Action: 12 speakers. M/S/C (Hahn/Arreguin) to adopt the item as revised in Supplemental Communications Packet #2 and further amended to allow the City Manager and City Attorney to consider the item more broadly than the technical definition of a “curfew.”

Vote: All Ayes.

Information Reports

44. Voluntary Time Off Program For FY 2021

From: City Manager

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

Action: Received and filed.

45. Annual Housing Pipeline Report

From: City Manager

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

Action: Referred to September 15, 2020.

46. LPC NOD: 1120 Second Street/#LMSAP2019-0007

From: City Manager

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

Action: Received and filed.

47. LPC NOD: 1120 Second Street/#LMSAP2019-0008

From: City Manager

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

Action: Received and filed.

48. LPC NOD: 41 San Diego Road/#LMSAP2020-0002

From: City Manager

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

Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on July 28, 2020.

Mark Numainville
City Clerk

Communications

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

1. Sara Hartley
2. Greg San Martin
3. Toni Mester
4. Erica Cleary
5. Rena Meyer
6. William Rosen
7. Labi Rabiou
8. Susan Payne
9. Colette Ford
10. Marilyn Garcia
11. Jelani Nelson
12. Matt Heafey
13. Joann Sullivan
14. Yoni Mayeri
15. Ana Perches Perez
16. David Hermele

Regenerative Economy to Address the Climate Emergency

17. Ingrid Good
18. Marcelo Garzo Montalvo

Covid-19 Related and/or Masks

19. Nina Lyons
20. Isaac Pastor-Chermak
21. Howard Goldberg
22. City of Berkeley Covid-19 Information
23. Vivian Warkentin
24. Joel Libove
25. Celeste Kidd
26. Anne Herrick (2)
27. Genevieve Nonet
28. Thomas Lord (2)
29. Russbumber (2)
30. David Lerman (5)

Telcom/5G/Cell Antennas

31. Vivian Warkentin
32. Mark Weiman
33. KO
34. Isis Feral
35. Blair Beekman
36. Pollock & James, Law Firm

Harriet Tubman Terrace

- 37. Darinxoso Oyamasela (4)
- 38. Ashley Rementer, Property Manager

Graffiti

- 39. Elana Nafalin-Kelman (2)
- 40. Customer Service, City of Berkeley (2)

Homeowners Assessment Complaint – Property Taxes

- 41. Finance Department, City of Berkeley

Lorin and Rosewood Support

- 42. Landon Williams

Cedar Properties

- 43. Laiming Huang
- 44. Tony Benado, City Clerk's Office

Civic Arts Grants

- 45. Sharon Dolan, Freight & Salvage

Smoking Violation

- 46. Carol Denney

Urban Dwellers Fleeing

- 47. Barbara Gilbert

Parking Enforcement

- 48. Suneel Jain

Small Landlord Needs Help

- 49. Grace Chi

Tilting Power Pole

- 50. Gar Smith

Pay Equity – City of Berkeley Employees

- 51. Jeff Apkarian, Union Representative

SB 82 Grant/OAC Priorities

- 52. Carole Marasovic

Supplemental Communications and Reports 1

Item #31: Resolution in Support of 1921 Walnut Street

53. Ivar Diehl & Siobhan Lettow

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

54. Irene Rice

55. Michael Katz

56. Eileen Hughes

57. Laura Klein

58. Zelda Bronstein

59. Gloria Pass

60. Eileen Hughes

61. Lynne Stevens

62. Kevin Rayhill

Item #39: Amendment of Urgency Ordinance for Outdoor Commerce on Private Property

63. Supplemental material, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

64. Supplemental material, submitted by Mayor Arreguin

65. Deirdre Arima Duhan

66. Tony Warwick

67. Susan Payne (2)

68. Wendy Bauman

69. Roger Hallsten

70. Kat Verani

71. Katherine Keleman

72. Margret Leventhal

73. Julia Chambers

74. Lauren Taylor

75. Linda Burden

76. John Wotkyns

77. Will Flynn

78. David Barr

79. Melvyn Wright

80. Bojana Miloradovic

81. Ira Ellman

82. Ann Whyte

83. Ron and Joy Ragon

84. Anna Bellomo

85. Kathleen Crandall

86. Polly Rosenthal

87. Bonnie & Keith Johnston

- 88. Sylvie Lu
- 89. Olga Shalygin
- 90. Janis Ballard
- 91. Monika Mann
- 92. Judy Hunt
- 93. Mark Tarses

Supplemental Communications and Reports 2

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

- 94. Ariel Strauss
- 95. Wisteria
- 96. Blair Beckman
- 97. Jenny Miller

Item #25: Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project

- 98. Friends of Five Creeks

Item #30: Providing our Unhoused Community in the City of Berkeley with Menstrual Products

- 99. Revised material, submitted by Councilmember Davila

Item #32: Adopt a Resolution Implementing Core Police Accountability Board and Director of Police Accountability functions by July 1, 2021

- 100. Kitty Calavita, Chairperson, Police Review Commission

Item #33: Resolution in Support of AB 310 to Convert The California Infrastructure Bank (IBank) to a Public Bank

- 101. Revised material, submitted by Councilmember Harrison

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

- 102. Phil Allen
- 103. Miranda Ewell

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

- 104. 18 identical form letters
- 105. Thomas Brown
- 106. Nicole Chabot
- 107. Jay Tharp
- 108. Angela Xu
- 109. John Coleman
- 110. Rick Maisel
- 111. Roshni Kasad

112. Ajith Mascarenhas
113. Tenise Young
114. Deborah Finch
115. Gail Martin
116. Jenny Johnson
117. Matthew Brown
118. Joey Cosnos
119. Moriel Vandsburger
120. Robert Johnson
121. Ethel Mussen
122. Berkeley Homeowners
123. Councilmember Harrison
124. Erin Chalmers
125. Adam Cash
126. Nancy Noman
127. Tracy Davis
128. Guy Albert
129. Janice Schroeder
130. Linda Lonay
131. Susanna Belokamen
132. Netta Schwartz
133. Erica Cleary
134. Judi Sui
135. J. Thomas
136. Daniel Moore
137. Alfred Twu
138. Emese Foss
139. MK
140. Nick Vaughn
141. Carol Denney
142. Lance & Krystyna Montauk
143. Linda Burden
144. Gilberto Arriaza & Naomi Roht-Arriaza
145. Gail Machlis
146. Betsy Strode
147. Denise Resnikoff
148. Margot Rederer & Guillermo Prado
149. Jeff Frey
150. Emily Benner
151. Diana Bohn

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

152. Revised material, submitted by Councilmember Harrison

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

153. Revised material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #1: Adoption of an Ordinance Amending Berkeley Municipal Code Chapter 16.10 (Excavations for Video and Telecommunications Systems)

154. Mariya
155. Bryce Nesbitt
156. Steve Jackson and Kori Kody
157. Connie Anderson
158. Blair Beekman
159. Siobhan Lettow and Ivar Diehl

Item #22: Lease Agreement: 1001 University Avenue with The Berkeley Food Network

160. Kate Campbell King, on behalf of the Berkeley Food Network

Item #28: Opposition to Nuclear Warfare

161. Beth Jerde
162. Bob Meola

Item 31: Resolution in Support of 1921 Walnut Street

163. Natalie Logusch (2)
164. Paul Wallace (2)

Item #35: Support for SB 288: Sustainable Transportation COVID-19 Recovery Act

Item #36: Support for SB 902: Authorizing Cities to Rezone for Density

Item #38: Support for AB 2345 (CA Density Bonus)

165. Vicki Sommer
166. Barbara Gilbert

Item #40: General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)

167. Presentation, submitted by Planning

Item #41: Placing a Measure on the November 3, 2020 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

168. 34 identical form letters (Conflict of Interest)
169. 19 similar form letters (Entirety)
170. 4 form letters (Cal)
171. Morton Cohn
172. Jo Ann Driscoll
173. John Caner
174. Davina Srioudom
175. Kathryn Snowden
176. Craig Baum
177. Pat Kennedy

178. Michael O’Heaney
179. Leon Mayeri
180. Hugh Baras
181. Summer Brenner
182. Anne-Lise Francois
183. Angie Sijun Lou
184. Kellie Stoddart
185. Dawn Thomas
186. Caitlin Romtvedt
187. George Fay
188. Samantha Warren
189. John Parman
190. Laurie Capitelli
191. Wendy Hood
192. John Coleman
193. South Berkeley94703@
194. Celia Karian
195. Mary Canavan
196. Igor Tregub, on behalf of the Sierra Club
197. Councilmember Harrison
198. Michael Farrell
199. Associated Students of University California
200. Geoff Lomax
201. William Rosen
202. Margaret Copeland
203. Lucy Smallsreed
204. Daren Fields
205. Jesus Nazario
206. Julie Durkee
207. Steven Svoboda
208. Fatima Woods
209. Katharine Vidt (2)
210. Sierra Boyd
211. Jonathan Ball and Savlan Hauser
212. Emina Musanovic
213. Loni Gray (2)
214. Isabelle Gaston
215. Kenneth Berland
216. Kathryn Dobel and David Weitzman
217. Christine Schwartz
218. Peter Liederman
219. Sarjan Holt
220. Adam Cash
221. Dawn Thomas
222. Cary Sweeney
223. Celia Karian

- 224. Rolf Bell
- 225. Elizabeth Geno
- 226. Judy Junt
- 227. Elaine Lee
- 228. Caroline Mejia
- 229. Judy Hunt (2)
- 230. Eleni Sotos
- 231. Jeanne Lengsfelder
- 232. Greg San Martin
- 233. Wendy Hood
- 234. Nik Kurtz
- 235. Narendar Dev
- 236. Thomas Lord
- 237. Barbara Gilbert (3)
- 238. Romeena Ghaziani
- 239. Augustine Martinez

Item #42: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals

- 240. Richard de Sam Lazaro, on behalf of expediagroup.com
- 241. Anita Medal

Miscellaneous Communications

Laiming Huang and Cedar Properties

- 242. Jonathan Weldon of Cedar Properties

Berkeley's SMART Roadmap

- 243. Presentation, submitted by the City Manager

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, July 30, 2020

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81409898529>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **814 0989 8529**. 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: 4:08 p.m.

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

Absent: Bartlett

Action Calendar

1. **Placing a Measure on the November 3, 2020 Ballot to Amend Various Sections of the Rent Stabilization Ordinance (Chapter 13.76)**

From: Mayor Arreguin (Author)

Recommendation:

1. Adopt a Resolution to submit to the voters proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance at the November 3, 2020 General Municipal Election. The amendments would amend various sections of the Rent Stabilization Ordinance to:

a) Prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies;

b) Authorize the Rent Stabilization Board to set registration fees for partially exempt units;

c) Limit the Accessory Dwelling Unit exemption to owner-occupied properties with a single-family home and one accessory unit.

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

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding Registration as amended.

Vote: Ayes – Davila, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Wengraf, Droste; Abstain – None; Absent – Bartlett (Recused – property interest).

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding Eviction Protections.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – property interest).

Action: M/S/C (Arreguin/Robinson) to include the severed portion regarding ADUs.

Vote: Ayes – Davila, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Wengraf, Droste; Abstain – None; Absent – Bartlett (Recused – property interest).

Action: 34 speakers. M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 69,534–N.S. to place the measure on the ballot with amended language in the ballot measure text in Section 13.76.050.O. with corresponding changes in Sections 13.76.080.A. and 13.76.080.L. regarding exemption from the registration requirement for certain property owners.

2. Designated Mayor Arreguin and Councilmembers Harrison and Robinson to

Action Calendar

submit ballot arguments on behalf of the City Council.

Vote: Ayes – Davila, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Kesarwani, Droste; Abstain – None; Absent – Bartlett (Recused – property interest).

Recess: 7:31 p.m. – 7:42 p.m.

Adjournment

Action: M/S/C (Hahn/Davila) to adjourn the meeting.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett (Recused – property interest).

Adjourned at 8:22 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 30, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Placing a Measure on the November 3, 2020 Ballot to Amend Various Sections of the Rent Stabilization Ordinance (Chapter 13.76)

1. Judy Bebelaar
2. Sara Hartley
3. Barbara Schick
4. Andrew Marowitz (3)
5. Damian Park
6. Peter Selawsky
7. John Parman
8. Steven Svoboda

9. Larisa Sidorova
10. Thomas Lord
11. Rick Maisel
12. Christine Schwartz
13. Berkeley Landlords
14. Toni Mester
15. Judi
16. Greg San Martin
17. Lance and Krystyna Montauk
18. Mark DuBois
19. Michael Farrell
20. Andrea Mullarkey
21. Chimey Lee
22. LR Altman
23. Jim Lutz (2)
24. Barbara Gilbert
25. Carolina Santizo
26. Jeane Clinton
27. Susann Payne

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, July 30, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 8:32 p.m.

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

Absent: None.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

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

Vote: All Ayes.

Consent Calendar

1. Memorandum of Understanding: Berkeley Police Association

From: City Manager

Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Police Association (hereafter referred to as the "Union") with a term of July 30, 2020 through June 30, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,535–N.S.

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

Consent Calendar

- 2. Memorandum of Understanding: SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association**
From: City Manager
Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as “MOU”) with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the “Union”) with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,536–N.S.
- 3. Memorandum of Understanding: SEIU Local 1021 Maintenance & Clerical Chapter**
From: City Manager
Recommendation: Adopt a Resolution approving a one (1) year extension to Memorandum of Understanding (hereafter referred to as “MOU”) with SEIU Local 1021 Maintenance & Clerical Chapter (hereafter referred to as the “Union”) with a term of June 27, 2020 through June 26, 2021; authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the extended MOU with no changes in compensation except for economic items related to the COVID-19 epidemic; and authorizing the City Manager to make non-substantive edits to the format and language of the Memorandum of Understanding in alignment with the tentative agreement, and conforming to legal requirements.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,537–N.S.
- 4. Unrepresented Employees: Salary Adjustments and Update to Unrepresented Employee Manual**
From: City Manager
Recommendation: Adopt a Resolution approving as amended the Unrepresented Employee Manual to attach a one (1) year Agreement with terms and conditions (hereafter referred to as “Agreement”) with the Unrepresented Employees group (hereafter referred to as the “Unrep Group”) with a term of July 30, 2020 to June 30, 2021 that includes COVID-19 considerations, Additional Emergency Paid Sick Leave Allocation, Additional Floating Holidays, and Limited Reopener language effective July 1, 2020, and rescinding Resolution No. 68, 535-N.S.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,538–N.S.

Action Calendar

5. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers**

(Continued from July 21, 2020) (Item contains supplemental material.)

From: City Manager

Recommendation:

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

Financial Implications: See report

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

Action: 11 speakers. M/S/C (Harrison/Davila) to: Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.

1. Adopt Resolution No. 69,539–N.S.
2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

6. **Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions** *(Continued from July 21, 2020) (Item contains revised and supplemental material.)*

From: City Manager

Recommendation:

1. Adopt a Resolution placing charter amendment measure on the November 3, 2020 Ballot to repeal the residency requirement for sworn members of the Berkeley Fire Department, conform the eligibility requirements of the Redistricting Commission with state law, and change to gender-neutral language through the text.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopt Resolution No. 69,540–N.S. as revised in Supplemental Communications Packet #2 and further revised at the meeting regarding the provisions related to the City Attorney.

Action: M/S/C (Arreguin/Hahn) to designate Mayor Arreguin, Vice-Mayor Hahn and Councilmember Robinson to file ballot measure arguments on behalf of the City Council for the Charter Amendment.

Vote: All Ayes.

Action Calendar

- 7a. Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution** *(Continued from July 21, 2020) (Item contains revised material.)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

- 7b. Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in response to the Fossil Fuel Free Berkeley referral** *(Continued from July 21, 2020) (Item contains supplemental material.)*

From: Energy Commission

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

Financial Implications: See report

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

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

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

Action: M/S/Carried (Arreguin/Hahn) to call for the previous question on Item 7a.

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

Action: 6 speakers. M/S/C (Harrison/Davila) to:

1. Adopt Resolution No. 69,541–N.S. submitting a ballot measure to increase the Utility Users Tax to pay for general municipal services and to establish a Climate Equity Action Fund to support measures to reduce local greenhouse gas emissions and air pollution to a vote of the electors at the November 3, 2020 General Municipal Election as written in the revised materials from the City Manager.
2. Designated Councilmembers Harrison, Davila, and Robinson to file ballot measure arguments on this measure on behalf of the Council.

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

Action Calendar

Action: M/S/Failed (Davila/Bartlett) to add the urgency item from Councilmember Davila to the agenda pursuant to Government Code Section 54954.2(b)(2).

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

Adjournment

Adjourned the meeting in memory of the following:

- Diana Russell, Dancer and Activist
- Willie Cooks, Developer and Community Member

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on July 30, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #6: Placing Charter Amendment Measure on the November 3, 2020 Ballot to Amend Multiple Administrative Provisions

1. Supplemental material, submitted by the City Attorney

Item #7a: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution

2. Alice Feller
3. Vanessa Warheit
4. Asano Fertig and James Apriletti
5. Chrissy Hoffman
6. Joanna Katz
7. Andrew Jaeger
8. Annie Hallatt
9. Emily Kaplan
10. Gail and Bill Tennant

Action Calendar

11. Esther Lerman
12. Sepha Schiffman
13. Ben Gerhardstein, on behalf of Walk Bike Berkeley
14. Kelley Hammargren

Supplemental Communications and Reports 3

Item #5: Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-time Status and Salaries for the Mayor and Councilmembers

15. Chimey Lee
16. Andrea Mullarkey
17. Christine Schwartz

Item #7a: Placing a Tax Measure on the November 3, 2020 Ballot to Increase the Utility Users Tax to Pay for General Municipal Services and Establish a Climate Equity Action Fund to Support Measures to Reduce Local Greenhouse Gas Emissions and Air Pollution

18. Martha Griswold
19. Ruby MacDonald
20. Ariella Granett
21. Linda Currie (2)
22. Igor Tregub, on behalf of the Sierra Club
23. Tom Lent
24. Harvey Smith
25. Elyce Klein
26. Ben Paulos
27. Warren Linney
28. Chimey Lee
29. Kelly Hammargren

Miscellaneous Communications

Student-Tenants Support of Councilmember Davila's Resolution

30. 34 similarly worded form letters