

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, April 14, 2020

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – CHERYL DAVILA

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – LORI DROSTE

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the April 14, 2020 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://zoom.us/j/724407089>. 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: **724 407 089**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. NOTE: Your phone number will appear on the screen.*

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

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

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

Preliminary Matters

Roll Call:

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

1. Adjourn in memory of all the victims of the COVID-19 pandemic.

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

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

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

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

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

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

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

Recess Items

- 1. Contract: Sonya Dublin Consulting as the External Evaluator for Public Health Division, Tobacco Prevention Program**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, in an amount not to exceed \$93,600, for a term ending June 30, 2021.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 2. Contract: Lind Marine for Removal of Derelict and Abandoned Vessels at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager or her designee during recess to execute a contract and any amendments with Lind Marine for the removal and disposal of derelict and abandoned vessels at the Berkeley Marina in an amount not-to-exceed of \$104,400; and authorize a contingency in the amount of \$38,600.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 3. Contract No. 31900160 Amendment: Affordable Painting Services, Inc. for Additional Painting of Various Park Buildings**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 31900160 with Affordable Painting Service, Inc. for additional painting of various Park buildings by increasing the construction contract amount by \$127,200 for a not-to-exceed amount of \$305,000.
Financial Implications: Marina/Capital Improvement Budget - \$127,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 4. Contract No. 31900202 Amendment: Bay Area Tree Specialists for As-Needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 31900202 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$300,000 for an amended total not-to-exceed amount of \$500,000 for a contract term of May 29, 2019 through May 28, 2022.
Financial Implications: Parks Tax Fund and Fire Fuel Abatement Fund - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Recess Items

- 5. Contract No. 32000019 Amendment: ERA Construction Inc. for Additional Concrete Repair Work in Parks and Along Pathways**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32000019 with ERA Construction Inc. for additional concrete repair work on City parks and pathways by increasing the construction contract amount by \$204,152 for a not-to-exceed amount of \$375,000.
Financial Implications: Various Funds - \$204,152
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Contract: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to: 1. Approve the plans and specifications for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, Specification No. 19-11294-C; and 2. Waive an inconsequential defect and accepting the bid of the lowest responsive and responsible bidder, Ghilotti Construction Company, Inc.; and 3. 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 Ghilotti Construction Company, Inc., for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project at 1200-1201 Euclid Avenue, Berkeley, CA 94708, in an amount not to exceed \$3,491,917, which includes a contract amount of \$3,174,470 and a 10% contingency in the amount of \$317,447.
Financial Implications: Various Funds - \$3,491,917
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 7. Contract: Vol Ten Corporation DBA Delta Charter for Recreation Division Bus Transportation for Day Camp and Summer Programs**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Vol Ten Corporation DBA Delta Charter to provide bus transportation services for Recreation Division Day Camp and summer programs for a not-to-exceed total amount of \$600,000 over a five year period, beginning June 1, 2020 and ending June 1, 2025, contingent upon annual budget appropriations.
Financial Implications: Various Funds - \$600,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Recess Items

- 8. Increase of Authorized Funding: Contract No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$1,995,725.99 to \$2,245,725.99 for rental of the property at 841 Folger Street/3000 Seventh Street.
Financial Implications: Various Funds - \$250,000
Contact: Andrew Greenwood, Chief of Police, (510) 981-5700
- 9. Contract No. 31900071 Amendment: Bigbelly Solar Compacting Trash and Recycling Receptacles**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 31900071 for nineteen (19) additional Bigbelly Solar, Inc. manufactured Solar Compacting Trash and Recycling Receptacles for Department of Public Works - Zero Waste Division; increasing the original contract amount by \$162,568.16 for an amended total not-to-exceed amount of \$233,868.16. The contract term remains August 1, 2018 to June 30, 2023.
Financial Implications: Measure D Fund - \$162,568
Contact: Phillip Harrington, Public Works, (510) 981-6300

Consent Calendar

- 10. Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106**
From: Mayor Arreguin, and Councilmembers Davila, Harrison, and Bartlett
Recommendation: Adopt second reading of Ordinance No. 7,692-N.S., the Ronald V. Dellums Fair Chance Access to Housing Ordinance.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Consent Calendar

11. **Calling for a Consolidated General Municipal Election for November 3, 2020**

From: City Manager

Recommendation: 1. Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Presidential General Election to be held in Berkeley on November 3, 2020;

b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Presidential General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

2. Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

Financial Implications: See report

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

12. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the council meetings of February 4, 2020 (special closed, special and special-worksession), February 11, 2020 (special closed and regular) and February 25, 2020 (regular).

Financial Implications: None

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

13. **Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**

From: City Manager

Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$5,000.

Financial Implications: Animal Shelter Donation Fund - \$5,000 (Donation)

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

14. **Amendment: FY 2020 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2020 Annual Appropriations Ordinance No. 7,682-N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments in the amount of \$28,565,263 (gross) and \$15,378,568 (net).

Financial Implications: See report

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

Consent Calendar

15. **Renewal of the North Shattuck Business Improvement District (NSBID)**

From: City Manager

Recommendation: Adopt a Resolution declaring intent to reestablish the NSBID for the ten-year period beginning July 1, 2020 (FY21) and ending June 30, 2030, setting a public hearing for June 16, 2020 on reestablishment of the District, and directing the City Clerk to conduct all necessary proceedings for reestablishment of the NSBID.

Financial Implications: See report

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

16. **1601 Oxford Interest Rate Reduction**

From: City Manager

Recommendation: Adopt a Resolution: 1. Waiving the Housing Trust Fund Guidelines Section V.B.2 and allowing an interest rate of 1% for Satellite Affordable Housing Associates' (SAHA) 1601 Oxford's development loan; and 2. 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

17. **Shelter Plus Care Program Renewal Grants**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants:

1. Four Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD) for up to: a) \$3,305,842 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2020 through May 31, 2021; b) \$191,491 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2020 through May 31, 2021, with Resources for Community Development as the project sponsor; c) \$186,380 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2020 through May 31, 2021, with Bonita House, Inc. as the project sponsor; and d) \$2,176,630

in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2021 through December 31, 2021.

2. One grant from the County of Alameda for \$708,195 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2020 through February 28, 2021.

In its renewal application to HUD, the City requested to consolidate three of the above grants: 1) Tenant-Based Rental Assistance; 2) Supportive Housing Network and 3) Pathways Project. If approved, the three grants would be consolidated into one with a combine grant amount of up to \$3,683,713.

Financial Implications: See report

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

Consent Calendar

- 18. Lease Agreement with 200 Marina Blvd, LLC for the Doubletree Hotel**
From: City Manager
Recommendation: Adopt first reading of an Ordinance 1. Authorizing the City Manager to execute the Ground Lease with 200 Marina Blvd, LLC, the owner/ground lessee of the Doubletree Hotel located at the Berkeley Marina for a 60-year term effective from May 14, 2020 through December 31, 2080; and 2. Approving a related Capital Contribution Agreement that 200 Marina Blvd, LLC contribute \$3 million to Marina street improvements.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 19. Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$42,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments thereto; and 3) Authorize a local match contribution of \$4,200.
Financial Implications: \$42,000 (Grant)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Donation: Friends of Marin Circle – the Balustrade Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the Friends of Marin Circle in the amount of \$7,500 for replacement of damaged balustrades at the Marin Circle Fountain Walk.
Financial Implications: \$7,500 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 21. Waiver of Annual Marina Berth Fees for Non-Profits**
From: City Manager
Recommendation: Adopt a Resolution:
1. Affirming the determination by City staff and the Parks and Waterfront Commission that four non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club (“dragon boats”), Cal Sailing Club, The Pegasus Project, and the Blue Water Foundation) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and
2. Approving the annual waiver of berth fees for the four groups for 2020.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 22. Contract: Robert E. Boyer Construction, Inc. for Berkeley Tuolumne Camp Construction Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Tuolumne Camp Project, Specification No. 20-111361-C; and 2. Rejecting the bid protests of Walsh Construction, the second lowest bidder and F&H Construction, the third lowest bidder against Robert E. Boyer Construction; 3. Accepting the bid of Robert E. Boyer Construction, Inc. as the lowest responsive and responsible bidder for the amount of \$35,290,583; and 4. 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 Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project in an amount not to exceed \$38,819,641 which includes the base bid and a 10% contingency.
Financial Implications: \$38,819,641
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 23. Funding for the East Bay Communities and East Bay Municipal Utility District Joint Exercise of Powers Agreement and Defendants' Side Agreement for the Control of Wet Weather Overflows and Bypasses and Consent Decree Compliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to make payments to the Administrative Agency and Financial Agent (East Bay Municipal Utility District) for administering duties in accordance with the terms and conditions of the Joint Exercise of Powers Agreement (JPA) and the Defendants' Side Agreement (DSA) to control the wet weather overflows and bypasses for the 5-year period from FY 2020 through FY 2024 in an amount not to exceed \$1,000,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 24. Summary Vacation of Sewer Easement at 2009 Addison Street**
From: City Manager
Recommendation: Adopt a Resolution to summarily vacate a sewer easement at 2009 Addison Street.
Financial Implications: None
Contact: Phillip Harrington, Public Works, (510) 981-6300

Consent Calendar

25. **Contract: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Sacramento Complete Streets Improvements Project, (“Project”), Specification No. 20-11379-C; 2. Accepting the bid of CF Contracting, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with CF Contracting, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$2,475,200, which includes a contingency of ten percent.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
26. **Contract Amendment Contract 10747: Clean Harbors, Inc. for Hazardous Waste Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley, increasing the contract amount by \$300,000 for an amount not-to-exceed \$450,000 and extend the contract term through June 30, 2022
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
27. **Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2020 Project, Specification No. 20-11367-C; accepting the bid of Bay Cities Paving & Grading, 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 \$4,478,909.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300

Consent Calendar

- 28. Contract No. 10552A Amendment: Revel Environmental Manufacturing, Inc. for on-call Storm Water Maintenance Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10552A with Revel Environmental Manufacturing, Inc. for on-call storm water maintenance services, increasing the current contract by \$100,000 for a total contract amount not to exceed \$600,000 and extend the term of the contract through June 30, 2021.
Financial Implications: Zero Waste Fund 601 - \$100,000
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 29. Contract: National Data & Surveying Services, for On-Call Transportation and Parking Survey Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with National Data & Surveying Services for on-call transportation and parking survey consulting services for the period May 15, 2020 to May 14, 2023 with an option of up to two one-year extensions in the amount not-to-exceed \$240,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 30. Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count**
From: Homeless Commission
Recommendation: The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.
Financial Implications: See report
Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400
- 31. Appointment of Ann Hawkins to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the appointment of Ann Hawkins to the Mental Health Commission, as a representative of the special public interest (peer) category, for a three year term beginning April 15, 2020 and ending April 14, 2023.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

- 32. Budget Referral: \$279,000 to Fund Berkeley Youthworks Participants Commensurate with the Berkeley Minimum Wage**
From: Councilmember Davila (Author)
Recommendation: Budget Referral: Refer to the FY 2020-21 budget process the allocation of \$184,000 for the purpose of funding Youthworks participants at the local minimum wage, which is scheduled to increase in July 2020 to \$15.75 per hour plus the Consumer Price Index.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 33. Berkeley Humane's 7th Annual Pints for Paws Fundraiser on June 6, 2020: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Berkeley Humane Society's 7th Annual Pints for Paws Fundraiser on June 6, 2020, 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.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 34. Resolution in Support of Senate Bill 54 and Assembly Bill 1080: The California Circular Economy and Plastic Pollution Reduction Act**
From: Councilmember Harrison (Author); Councilmember Hahn (Co-Sponsor); Councilmember Davila (Co-Sponsor); Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution affirming Berkeley's support for Senate Bill 54 and Assembly Bill 1080, The California Circular Economy and Plastic Pollution Reduction Act. Send a letter in support to Assemblymember Gonzalez and Senator Allen.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 35. Support for SB-1160 (Stern) Public Utilities: Electrical and Communication Infrastructure: Undergrounding**
From: Councilmember Wengraf (Author); Councilmember Hahn (Co-Sponsor); Councilmember Bartlett (Co-Sponsor)
Recommendation: Write a letter to Senator Stern in support of SB-1160 and send copies to Senator Nancy Skinner, Assembly Member Buffy Wicks and Governor Gavin Newsom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak line use the “raise hand” function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, use the “raise hand” function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

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

Action Calendar – Public Hearings

37. Zoning Ordinance Amendments for Family Daycare Homes to comply with Senate Bill 234

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23 (Zoning Ordinance) to comply with Family Daycare Home regulations recently enacted by Senate Bill 234 (SB 234); and
2. Adopt a Resolution amending Resolution 67,985-N.S., the Planning Department Fee Schedule, to reflect the requirement that no permit fees may be charged for Family Daycare Homes pursuant to SB 234.

Financial Implications: See report

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

Action Calendar (Originally published for March 24, 2020)

38. Placing Charter Amendment Measure on the November 3, 2020 Ballot to Establish a Police Board and Director of Police Accountability

From: City Manager

Recommendation: 1. Adopt a Resolution submitting an amendment to the City Charter to add Article XVIII to establish a Police Board and Director of Police Accountability 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: General Fund - \$300,000-\$500,000

Contact: Dave White, City Manager's Office, (510) 981-7000; Farimah Brown, City Attorney, (510) 981-6950; LaTanya Bellow, Human Resources, (510) 981-6800; Andrew Greenwood, Police, (510) 981-5900

39. Inclusionary Units in Qualified Opportunity Zones *(Reviewed by the Land Use, Housing and Economic Development Committee)*

From: Councilmember Harrison (Author); Councilmember Bartlett (Author); Councilmember Davila (Author); and Councilmember Hahn (Author)

Recommendation: Adopt an ordinance amending Berkeley Municipal Code Chapter 22.20.065 requiring onsite inclusionary units in new rental developments in Qualified Opportunity Zones (QOZs).

Financial Implications: See report

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

Council Action Items

- 40. Amending Tenant Screening Fees Ordinance for Existing Tenancies**
From: Mayor Arreguin (Author) *(Reviewed by the Land Use, Housing & Economic Development Committee)*
Recommendation: Adopt first reading of an Ordinance to amend Berkeley Municipal Code 13.78 (Tenant Screening Fees) to add subsections to prohibit additional fees for existing tenancies and lease terminations.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Information Reports

- 41. Public Health Officer's Order Directing the Placement of COVID-19 Isolation and Quarantine Facilities for Persons Experiencing Homelessness on Public Property**
From: City Manager
Contact: Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000
- 42. Strategic Plan Performance Measures Pilot**
From: City Manager
Contact: Dave White, City Manager's Office, (510) 981-7000
- 43. Summary of Aging Services**
From: City Manager
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
- 44. Pathways STAIR Center: Fiscal Year 2020 – Six Month Evaluation and Results-Based Accountability Dashboard**
From: City Manager
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
- 45. Parks, Recreation & Waterfront Department Capital Improvement Projects (CIP) Update**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 46. Measure T1 Update**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 47. Audit Recommendation Status - 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**
From: City Manager
Contact: Andrew Greenwood, Police, (510) 981-5900

Information Reports

48. **Public Works Capital Improvement Projects: Planned Projects for Fiscal Year 2021**
From: City Manager
Contact: Phillip Harrington, Public Works, (510) 981-6300
49. **Children, Youth and Recreation Commission FY2020 Work Plan**
From: Children, Youth, and Recreation Commission
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700
50. **Civic Arts Grants Program**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
51. **Council Referral – Commemorative Tree Program**
From: Parks and Waterfront Commission
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

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



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 2, 2020.*

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

Mark Numainville, City Clerk

## Communications

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

### **City Eviction Moratorium & Suspension of Rent Payments**

1. 21 identical and/or similar letters
2. Diana Bohn

### **People's Park Restrooms**

3. Sheila Mitra-Sarkar
4. Russbumper
5. Max Ventura (2)

### **Biking/Safe Social Distance & Essential Businesses**

6. Ben Gerhardstein, on behalf of Walk Bike Berkeley (2)
7. Liza Lutzker (3)
8. Dee Williams-Ridley, City Manager

9. Farid Javandel

**Homelessness/Encampments & COVID-19**

10. Jessica McGinley, on behalf of the Suitcase Clinic

11. Councilmember Davila

12. Connie Tyler

13. Liz Wiener

14. Osha Neumann, on behalf of the East Bay Community Law Center

15. Russbumper (2)

**Playground Closures**

16. Tracy Hollander

**Street Closures & COVID-19**

17. Aaron Stein-Chester

18. Michael Katz

**Here/There Encampment**

19. Toan Nguyen

20. Jacquelyn McCormick

**Harriet Tubman Terrace**

21. Mary Behm-Steinberg

22. Darinxoso Oyamasela (2)

**Criminal Inducement/City of Berkeley**

23. Artur Stopes III

**Housing Instead of Parking at Berkeley High School**

24. Dorothy Walker

**TV & Cable Channels For Schools**

25. Adolfo Cabral

**Right to Rescue**

26. Lynn Yarbrough

**Upgrading Electricity Accounts City Citywide**

27. Tom Kelly

**Undergrounding Emergency Evacuation**

28. Victoria Legg

**Shattuck East Street Naming**

29. Rani Bagai

**COVID-19 Miscellaneous**

30. Sabina McMurtry
31. Friends of Adeline
32. William Rosen
33. Thomas Lord
34. Russbumper (2)
35. James McFadden
36. Bryce Nesbitt
37. Margot (2)
38. Michael Cooper
39. Ben Glickstein
40. Stanton Glantz
41. Melissa Hartman
42. William Rosen
43. LA Wood
44. David Lerman (2)
45. Ramsay Breslin
46. Lena Nitsan
47. Chimey Lee
48. Teresa Clarke
49. Twenty-two signees

**Adult School Lot**

50. AJ Gilbert (2)
51. Councilmember Kesarwani

**Parking Tickets During COVID-19**

52. Kent Rasmussen

**Luna Dance Institute**

53. Cherie Hill

**Solano Stroll**

54. Elizabeth Bronson

**Tree Work Exemption Shelter-in-Place**

55. Joe Lamb, on behalf of Brende and Lamb

**Police Oversight Committee**

56. Natasha Robinson

**5G**

57. Vivian Warkentin (2)

**Cannabis Dispensaries Open During Shelter-in-Place**

58. Don Duncan, on behalf of Patients Care Collective (2)
59. Kathryn Reiter

- 60. Geoffrey Lomax
- 61. Amber Morris
- 62. Thomas Lord

### **Berkeley Relief Fund**

- 63. Sharon Dolan, on behalf of Freight & Salvage

### **Senior Retirement Income**

- 64. Barbara Transue

## **Berkeley Considers**

### **Item 26 (from March 24 Cancelled Meeting): Adopt a Resolution to Upgrade Residential and Commercial Customers to a 100% Greenhouse Gas Emissions-Free Electricity Plan and to Upgrade Municipal Accounts to a 100% Renewable Plan**

- 65.1 Communication submitted via Berkeley Considers, includes summary information

### **Supplemental Communications and Reports**

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

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