

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 8, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/83320305084>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **833 2030 5084**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Recognition of Service for Vice-Mayor Droste
2. Adjourned in Memory of Gene Ransom, Local Activist and Coach

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

1) accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Taplin, to support the Malcolm X Elementary PTA's Read-a-thon program with funds relinquished to the City's general fund; and

2) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 29 speakers.

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

Vote: All Ayes.

Recess: 7:57 p.m. – 8:07 p.m.

Consent Calendar

Urgency Item: Malcolm X Elementary Read-a-thon: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Taplin, to support the Malcolm X Elementary PTA's Read-a-thon program with funds relinquished to the City's general fund.

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Councilmembers Harrison and Bartlett added as co-sponsors. Adopted Resolution No. 70,205–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Hahn - \$200; Councilmember Wengraf - \$200

Urgency Item: Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to (1) submit a grant application in the amount of up to \$250,000 to the California Commission on the Status of Women and Girls to support COSOW and City of Berkeley priorities, (2) accept any grants, and (3) execute any resulting grant agreements and any amendments; and, subject to securing the grant, authorizing implementation of the grant-funded projects and appropriation of funding for related expenses.

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

Action: Adopted Resolution No. 70,206–N.S.

1. Commission Reorganization: Creating the Environment and Climate Commission

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,796–N.S. adding Berkeley Municipal Code Chapter 3.82 to create the Environment and Climate Commission (ECC).

First Reading Vote: All Ayes.

Financial Implications: See report.

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

Action: Adopted second reading of Ordinance No. 7,796–N.S.

Consent Calendar

- 2. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,797-N.S. a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.
First Reading Vote: All Ayes.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,797–N.S.
- 3. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,799-N.S. a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.
Financial Implications: None
First Reading Vote: All Ayes.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,799–N.S. as revised in Supplemental Communications Packet #1 from the City Manager.
- 4. Lease and Cooperative Agreement: Downtown Berkeley Bike Station**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,798-N.S. authorizing the City Manager to execute a lease agreement with BART for retail space at the Center Street Garage for a fifteen-year lease term commencing February 1, 2021, and expiring on January 31, 2036.
Financial Implications: See report.
First Reading Vote: All Ayes.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,798–N.S.

Consent Calendar

- 5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, November 9, 2021, and December 14, 2021.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,207–N.S.
- 6. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021 November 16, 2021, December 14, 2021, and January 10, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,208–N.S.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 8, 2022**
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: \$4,468,611.
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 8. Contract - O2X for Public Safety Wellness Programming**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with O2X Human Performance LLC (Contractor) to provide a physical and mental wellness program for the Berkeley Fire & Police Departments (Departments) for a four (4) year base contract period that starts February 9, 2022 and ends on February 8, 2026 in an amount not to exceed \$2,712,145 with an option to extend for up to six (6) additional years in two (2) year increments for a total of ten (10) years and not to exceed a total contract amount of \$7,948,612.
Financial Implications: See report.
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,209–N.S.
- 9. Contract – Wildland Res Mgmt. for Community Wildfire Protection Plan (CWPP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Wildland Res Mgmt. (Contractor) to provide Community Wildfire Protection Plan and associated analytics for the Berkeley Fire Department (Department) for an initial base contract period of one year, from February 9, 2022 to February 8, 2023 in an amount not to exceed \$200,000 with an option to extend for an additional four years in two-year increments and a total not to exceed \$400,000.
Financial Implications: See report.
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,210–N.S.
- 10. Adopt a Resolution Approving Exception to the 180-Day Waiting Period to Hire a CalPERS Retired Annuitant in Accordance With Government Code Sections 7522.56 And 21224**
From: City Manager
Recommendation: Staff respectfully recommends that the City Council adopt a resolution approving an exception to the 180-day waiting period for hiring a retired annuitant as an extra-help employee.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Item removed from the agenda by the City Manager.

Consent Calendar

- 11. Contract No. 31900207 Amendment: Recruiting Advertising and Marketing Strategy for the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900207 with Epic Recruiting, to provide additional recruiting and advertising services for police and professional staff vacancies, in an amount not to exceed \$120,000 for a total contract amount not to exceed \$310,000, and extending the term through April 30, 2023.
Financial Implications: General Fund - \$120,000
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,211–N.S.
- 12. Resolution supporting immigration reform for the U.S.**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution: 1. Urging President Biden to honor his promise for a humane immigration policy; 2. Calling for a departure from the previous administration’s cruelty toward migrant, for protections from deportation, and for a path to permanent residency for protected groups including beneficiaries of DACA, TPS, and DED; 3. Requesting closure of three California ICE detention facilities cited for many rights violations. Copies of this resolution should be sent to President Biden and Berkeley’s congressional delegation.
Financial Implications: None
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,212–N.S.
- 13. Resolution in Support of Justice for Haitian Refugees**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution calling for an end to all U.S. government deportation efforts against Haitian refugees. Send a letter with the enclosed resolution to President Biden, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.
Financial Implications: Staff time.
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,213–N.S.
- 14. Normalize Diplomatic and Economic Relations with Cuba**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution supporting normalization of diplomatic and economic relations between the U.S. and Cuba, initiated by Cuba solidarity organizations in the U.S. Send a letter with the enclosed resolution to President Biden, Secretary of State Antony Blinken, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.
Financial Implications: Staff time.
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,214–N.S.

Consent Calendar

15. Japanese American Day of Remembrance

From: Peace and Justice Commission

Recommendation: 1. Adopt a Resolution calling on leaders to denounce anti-Asian racism, and for the City to collaborate with AAPI communities and community-based organizations to promote community building and safety, and to address systemic barriers for reporting anti-Asian hate crimes. 2. Adopt in perpetuity February 19 as the Japanese American Day of Remembrance in Berkeley in recognition of the mass incarceration of Japanese Americans and Japanese Latin Americans during World War II.

Financial Implications: Staff time.

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action: Adopted Resolution No. 70,215–N.S.

Council Consent Items

16. Budget Referral and Resolution Establishing City Process for Siting and Developing Public Electric Vehicle DC Fast-charging Hubs

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

Recommendation:

1. Adopt a Resolution in support of a non-binding term sheet between the City of Berkeley and East Bay Community Energy (EBCE) to establish a network of publicly available electric vehicle (EV) fast-charging hubs in municipally-owned parking lots and garages in areas with a dense concentration of multifamily housing.

2. Refer to the June, 2022 FY 23-24 budget process \$600,000 in General Fund revenues to fund Berkeley's annual maximum Service Fee of \$100,000/year per fast-charging hub for three hubs. Once revenues from charging exceed the annual service fee, a portion of revenues will be remitted to the City. Over the 10-year agreement, the City will realize a net gain. Under either a low and high hub utilization scenario, EBCE estimates the City will likely see net profits from Site License Agreement revenue over the ten years estimated at between \$50,000 and \$851,000. In addition, EBCE estimates that the City is already on track to realize an additional \$400,000-\$600,000 in Utility User Tax proceeds annually over next 2-3 years under the Renewable 100 portfolio, and that number could grow to up to \$1.3 million per year by 2025 assuming EV adoption goals are met.

Financial Implications: See report.

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

Action: Moved to Action Calendar. 6 speakers. M/S/C (Hahn/Arreguin) to adopt Resolution No. 70,216–N.S.

Vote: All Ayes.

Action Calendar

17. **Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory**
(Continued from November 30, 2021)
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 8 speakers. Presentation made and discussion held.

Action Calendar – Public Hearings

18. **ZAB Appeal: 2956 Hillegass Avenue Use Permit #ZP2021-0068**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Zoning Permit #ZP2021-0068 for the addition of a 170 square foot third-floor balcony to the rear of an existing three-story 2,834 square foot single-family dwelling on a 2,754 square foot lot that is non-conforming to lot coverage.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Wengraf) to adopt Resolution No. 70,217–N.S.
Vote: All Ayes.

Information Reports

19. **Update on Berkeley's Redistricting Process for City Council Districts**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
20. **Healthy Checkout Ordinance Protocols**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 6 speakers.

Adjournment

Adjourned at 11:00 p.m.

Communications

ADU's

1. Jeff White

Alameda County Rent Moratorium

2. Bruce Dodd

Buena Vista Way Repaving

3. Val Cipollone
4. Stefano Della Vigna

City Mobility Improvement

5. Gail Burke (2)

COVID-19

6. Troy Ault

EBCE Community Advisory Committee

7. Newsletter

Homeless

8. Diana

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9. Barbara Gilbert (2)

Marin and Spruce

10. Diana Damonte

Plastic Bag Ordinance

11. Jessica Mitchell

Redistricting

12. Jack Kurzweil
13. Sabina McMurtry

RV's

14. Charlene Washington

Stopwaste

15. David Lerman

Tenant Advocacy

16. Robin Fletcher

Tire Replacement

17. Catherine Woolf

UA Homes

18. Benjamin Hubbel

Unfunded CalPERS Liability

19. David Lerman

Supplemental Communications and Reports 1

Item #2: Response to City Council Action of October 26, 2021 Regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

- 20. Devin Rand-Giovanetti
- 21. Sheryl Drinkwater
- 22. Ila Rosenzweig
- 23. John Litten
- 24. Shawna Hartman Brotsky
- 25. Don Read
- 26. Fan Albritton
- 27. Thea Daniels
- 28. Rita Maran
- 29. Dalia Nagel
- 30. David Jaffe
- 31. Jamie Greenwood
- 32. Jeanette and Jim Cottle

Item #3: Response to City Council Action of October 26, 2021 Regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

33. Supplemental material, submitted by Planning

Item #12: Resolution Supporting Immigration Reform for the U.S.

34. Diana Bohn

Item #18: ZAB Appeal: 2956 Hillegass Avenue Use Permit #ZP2021-0068

35. Mollie and Adam Starr

Item #19: Update on Berkeley's Redistricting Process for City Council Districts

- 36. Michael Weber
- 37. Max Ventura
- 38. Judy Grether
- 39. Summer Brenner
- 40. Kitty Calavita
- 41. Holly Scheider

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #17: Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory

42. Presentation, submitted by Planning and Development

Information Reports

Item #20: Healthy Checkout Ordinance Protocols

43. Ingrid De Santiago, on behalf of Healthy Options at Point of Sale

Urgent Item: Malcolm X Elementary Read-A-Thon: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

44. Time critical item, submitted by Councilmember Taplin

Urgent Item: Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities

45. Urgent item, submitted by Councilmember Hahn