

ANNOTATED AGENDA BERKELEY CITY COUNCIL

Tuesday, December 14, 2021
4:00 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/83481524655>. 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: **834 8152 4655**. 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: 4:05 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 4:09 p.m.

Consent Calendar

Action: M/S/C (Arreguin/Kesarwani) to accept revised material from the City Manager on Item 3.

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

Public Comment on Consent Calendar and Information Items Only: 31 speakers.

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

Vote: All Ayes.

Consent Calendar

1. **2021 Educator Housing Notice of Funding Availability Funding Reservation** **From: City Manager**

Recommendation: Adopt a Resolution to:

1. Reserve \$24.5M in Measure O affordable housing bond funds for the BUSD Workforce Housing project (1701 San Pablo / Satellite Affordable Housing Associates / Abode Communities) with the following conditions:

- a) Waive Section III.A.1 of the Housing Trust Fund Guidelines to allow the project to serve higher affordability levels, up to 120% of area median income (AMI) in order to meet the needs of BUSD educators; and
- b) Condition disbursement of funding on site control.

2. Authorize the City Manager to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,134–N.S.

Consent Calendar

2. 2021 Housing Trust Fund Request for Proposals Funding Reservations

From: City Manager

Recommendation: Adopt a Resolution to:

1. Reserve Housing Trust Funds and other currently available affordable housing funds, and forward reserve of up to \$17M in Measure O Bond funds from the third issuance (anticipated in 2025) and up to \$2.5M in FY2023 general funds from Measure U1 for the following proposals as detailed below:

Ashby Lofts (2909-2919 Ninth / Satellite Affordable Housing Associates /SAHA) at \$850,000, Ephesians Legacy Court (1708 Harmon / Community Housing Development Corporation / CHDC) at \$2,500,000, MLK House (2942-2944 MLK / Resources for Community Development / RCD) at \$1,178,974, St. Paul Terrace (2024 Ashby / Community Housing Development Corporation / CHDC) at \$2,500,000, Supportive Housing in People's Park (2556 Haste / Resources for Community Development / RCD) at \$14,359,593 (including up to \$3M for predevelopment).

2. Reserve the balance of recommended funds of approximately \$13M dollars for one of the CHDC-sponsored projects (Ephesians Legacy Court or St. Paul Terrace) to be determined based on the project's readiness and feasibility, and with the intent that once further predevelopment work has been completed, the City Manager, CHDC, and the HTF Subcommittee work together to recommend a specific project for fund reservation.

3. Prioritize future housing funds (including, but not limited to, HTF and Measure O funds) for the CHDC project (Ephesians Legacy Court or St. Paul Terrace) not fully funded through this RFP.

4. Condition predevelopment funding for new construction projects (Ephesians Legacy Court, St. Paul Terrace, and Supportive Housing in People's Park) on site control;

5. Authorize the City Manager to refinance existing HTF development loans to Ashby Lofts and MLK House and predevelopment loans for each project funded through this NOFA into new loans with terms consistent with the HTF Guidelines;

6. Approve the following waivers of the HTF Guidelines for MLK House: a. Waive Section IV.C.1 to allow a subsidy in excess of 40% of total development costs; and b. Waive Section IV.C.2 to allow an interest rate of 0% for the new loan (in line with Council's 2017 approval of 0% interest rate for the refinanced MLK House loan)

7. Allow Northern California Land Trust to submit a revised application for up to \$500k in Permanent Local Housing Allocation (PLHA) rehabilitation funds to support the renovation of 2207 Haste with the following conditions: a. Application submittal within 90 days of City Council action; and

b. include a scope of work consistent with renovations proposed and substantiated by an updated physical needs assessment.

8. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,135–N.S.

Consent Calendar

3. **Funding Recommendation and Joint Homekey Application for Golden Bear Inn at 1620 San Pablo**

From: City Manager

Recommendation: Adopt three Resolutions approving the following actions in support of a Homekey program funding allocation by:

1. Reserving up to \$8,463,535 in affordable housing funds for the Golden Bear Inn permanent supportive housing project at 1620 San Pablo as proposed by a partnership between Memar Properties and Bay Area Community Services (BACS);
2. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar Properties and BACS for the State of California Housing and Community Development (HCD) Department's Homekey program for the Golden Bear Inn permanent supportive housing project.
3. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into the State's Standard Agreement and any amendments.
4. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

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

Action: 1. Adopted Resolution No. 70,136–N.S. (Approval of funding) 2. Adopted Resolution No. 70,137–N.S. (Joint application) 3. Adopted Resolution No. 70,138–N.S. (Homekey participation) as revised by the City Manager in Supplemental Communications Packet #2 and materials submitted at the meeting.

4. **Jointly Apply for No Place Like Home Funding for Supportive Housing in People's Park at 2556 Haste**

From: City Manager

Recommendation: Adopt two Resolutions that enable the proposed Supportive Housing in People's Park project to access State of California No Place Like Home program funds by:

1. Authorizing the City Manager to prepare and submit a joint application for Supportive Housing in People's Park at 2556 Haste.
2. Authorizing the City Manager to take actions needed for the City's participation in the No Place Like Home program by adopting State requirements regarding submitting applications, entering into the State's Standard Agreement and other documents, and providing mental health services for tenants of the resulting housing.

Financial Implications: See report

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

Action: 1. Adopted Resolution No. 70,139–N.S. (Joint application) 2. Adopted Resolution No. 70,140–N.S. (NPLH)

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 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. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

5. Amending the PY21 Annual Action Plan to accept HOME-ARP Funds and Amending the Permanent Local Housing Allocation Five-Year Plan to Support a Homekey Project

From: City Manager

Recommendation: Conduct a Public Hearing on:

1. The proposed HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) Allocation Plan, which the City will submit to the U.S. Department of Housing and Urban Development (HUD) as a substantial amendment to the PY2021 (FY2022) Annual Action plan;

2. The proposed Permanent Local Housing Allocation (PLHA) Five-Year Plan Amendment, which the City is required to submit to the California Department of Housing and Community Development (HCD) since the proposed amendments will result in a change in funding for eligible activities that exceeds 10% of the annual allocation. And upon conclusion, adopt two Resolutions authorizing the City Manager, or her designee, to:

1. Amend the PY2021 Annual Action Plan to accept \$2,735,696 in HUD's HOME-ARP funds. Allocate up to 15% (\$410,354) for administration and planning, up to 5% for operating expenses for a Community Housing Development Organizations (CHDO) or other nonprofit organizations, up to 5% for nonprofit capacity building, and the remainder (75-85%) (\$2,051,772 - \$2,325,342) to a proposed State of California Housing and Community Development (HCD) Homekey Program (Homekey) project. In the event that the HOME-ARP allocation is modified, the same formula will be used to allocate funds. If the funds are not used for a Homekey project the City will use HOME-ARP funds for another HOME-ARP approved project.

2. Amend the PLHA Five-Year Plan to allocate \$1,138,194 to a proposed HCD Homekey project.

3. Submit the approved PY2021 Annual Action Plan Substantial Amendment #1 to HUD, and accept any resulting agreements with HUD.

4. Submit the approved PLHA Five-Year Plan Amendment to HCD and accept any resulting agreements with HCD.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Kesarwani/Droste) to adopt Resolution No. 70,141-N.S. (Amending the PY21 Annual Action Plan), and to adopt Resolution No. 70,142-N.S. (Adopting PLHA five-year plan)

Vote: All Ayes.

Action Calendar – Public Hearings

**6. California Municipal Finance Authority Bond Financing for 2001 Ashby 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 Municipal Finance Authority (CMFA) for the benefit of the 2001 Ashby Avenue rental housing development.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,143-N.S.

Vote: All Ayes.

Action Calendar – Old Business

**7. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code
(Continued from November 30, 2021) (Item Contains Supplemental Material)**

From: City Manager

Recommendation: Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000, Jennifer Louis, Police, (510) 981-5900

Action: Moved to Consent Calendar. Item continued to January 25, 2022.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:08 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: 2021 Housing Trust Fund Request for Proposals Funding Reservations

1. Alex Knox, on behalf of the Telegraph Business Improvement District

Item #3: Funding Recommendation and Joint Homekey Application for Golden Bear Inn at 1620 San Pablo

2. Revised material, submitted by Health, Housing & Community Services Department
3. Lee Bishop
4. Eric Johnson

Supplemental Communications and Reports 3

Item #2: 2021 Housing Trust Fund Request for Proposals Funding Reservations

5. Dave Pate
6. Charlotte Pyle
7. Mary Dorst
8. Alicia Klein, on behalf of the Vedanta Society Berkeley
9. Cora Johnson-Grau

Item #3: Funding Recommendation and Joint Homekey Application for Golden Bear Inn at 1620 San Pablo

10. Revised material, submitted by Health, Housing & Community Services Department
11. Hilary Clark
12. Trevor Wu
13. Salma Elmallah
14. Kevin Burke
15. Adam Rogers
16. Libby Lee-Egan
17. Alfred Twu
18. Milo Trauss
19. Annie Preston
20. Anirvan Chatterjee
21. Mary Dorst
22. Inder Sidhu
23. Ryan Finnigan
24. Igor Tregub

Item #5: Amending the PY21 Annual Action Plan to Accept HOME-ARP Funds and Amending the Permanent Local Housing Allocation Five-Year Plan to Support a Homekey Project

25. Presentation, submitted by Health, Housing and Community Services Department