

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 11, 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 captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88115464108>. 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: **881 1546 4108**. 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: 6:33 p.m.

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

Absent: None

Ceremonial Matters:

1. Presentation on Indigenous Peoples Day by Corrina Gould
2. Recognition of the 50th Anniversary of Center for Independent Living and the Disability Rights Movement
3. Adjourn in Memory of Jazy Soletto Garcia and Angel Soletto Garcia
4. Adjourn in Memory of Isamaeli Mataafa, Victim of Gun Violence
5. Adjourn in Memory of City of Berkeley Public Safety Dispatcher Sheryll Cofreros

City Manager Comments:

1. Presentation on the City of Berkeley Employer of Choice Initiative

Public Comment on Non-Agenda Matters: 10 speakers.

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

1) accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Resolution in Support of the Women Fighting for Freedom in Iran; and

2) accept an urgency item from Councilmember Droste pursuant to Government Code Section 54954.2(b)(2) entitled Adopt a Resolution in Support of the Women of Iran and Condemning the Iranian Government's Oppression of Women and Violent Suppression of Protests.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 16 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgency Item: Resolution in Support of the Women Fighting for Freedom in Iran

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

Recommendation: Adopt a resolution in support of the women fighting for freedom in Iran. Send a copy of the resolution to President Joseph R. Biden, Vice President Kamala D. Harris, Speaker of the House Nancy Pelosi, Senate Majority Leader Chuck Schumer, Senator Dianne Feinstein, Senator Alex Padilla, and Congresswoman Barbara Lee.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 70,552–N.S.

Urgency Item: Adopt a Resolution in Support of the Women of Iran and Condemning the Iranian Government’s Oppression of Women and Violent Suppression of Protests

From: Councilmember Droste (Author), Councilmember Kesarwani (Author), Councilmember Robinson (Author), Councilmember Wengraf (Author)

Recommendation: Adopt a Resolution in support of the Women of Iran and Condemning the Iranian Government’s Oppression of Women and Violent Suppression of Protests.

Send copies of the resolution and letters to Senators Feinstein and Padilla, and Congresswoman Lee.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 70,553–N.S.

1. 2023 Tax Rate: Transportation Network Company User Tax

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,834-N.S. setting the 2023 tax rate (effective January 1, 2023) for the transportation network company at the following rates: 53.775 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 26.249 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,834–N.S.

Consent Calendar

2. **Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,835-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:
-BMC Section 23.204.050 (C-C Zoning District)
-BMC Section 23.204.080 (C-E Zoning District)
-BMC Section 23.204.090 (C-NS Zoning District)
-BMC Section 23.204.130 (C-DMU District)
-BMC Section 23.206.050 (Protected Uses)
-BMC Section 23.304.030 (Setbacks)
-BMC Section 23.304.090 (Usable Open Space)
-BMC Section 23.322.030 (Required Parking Spaces)
-BMC Section 23.406.070 (Design Review)
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,835–N.S.
3. **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, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, and September 20, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,554–N.S.

Consent Calendar

4. Contract No. 117596-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase the total Spay Neuter Your Pet (SNYP) allocation from \$23,812 to \$35,000 and execute a contract and any necessary amendments with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2023, increasing the contract amount by \$17,500 for a new total contract amount not to exceed \$67,218 and extending the terms of the contract to September 14, 2023.

Financial Implications: General Fund - \$17,500

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,555–N.S.

5. Contract No. 108-410-1 Amendment: Paw Fund for Spay and Neuter Services
From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase the total Spay Neuter Your Pet (SNYP) allocation from \$23,812 to \$35,000 and to execute a contract and amendments with Paw Fund to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2023, increasing the contract amount by \$17,500, for a new total contract amount not to exceed \$134,466 and extending the terms of the contract to September 14, 2023.

Financial Implications: General Fund - \$17,500

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,556–N.S.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 11, 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. Total estimated cost of items included in this report is \$2,968,600.

Financial Implications: Various Funds - \$2,968,600

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

Action: Approved recommendation.

Consent Calendar

- 7. Contract No. 3220192 Amendment: Alameda County Network of Mental Health Clients**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 3220192 with Alameda County Network of Mental Health Clients, Berkeley Drop-In Center (BDIC) Community Crisis Response Services to add \$100,000 to hire one additional homeless outreach staff member increasing the not-to-exceed amount to \$490,000, and extending the contract by one year to December 31, 2023..
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,557–N.S.
- 8. Revenue Grant Agreement: Funding Support from the State of California Women, Infant, Children Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Women, Infants, and Children (WIC) program in the projected total amount of \$1,810,197 for Federal Fiscal Years (FFY) 2023 through 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,558–N.S.
- 9. Expand the Program Manager Series by Establishing the Principal Program Manager Classification and Salary Range**
From: City Manager
Recommendation: Adopt a Resolution to expand the Program Manager Series by establishing the Principal Program Manager classification with a monthly stepped salary range of \$12,651.60 to \$15,309.90 effective October 7, 2022.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,559–N.S.
- 10. Classification and Salary: Establishing the Diversity, Equity, and Inclusion Officer Classification and Salary Range**
From: City Manager
Recommendation: Adopt a Resolution to expand the Diversity, Equity, and Inclusion Officer classification with a monthly stepped salary range of \$11,497.20 - \$15,107.73 effective October 7, 2022.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,560–N.S.

Consent Calendar

- 11. Classification and Salary: Assistant to the City Attorney**
From: City Manager
Recommendation: Adopt a Resolution to establish the Assistant to the City Attorney classification with a monthly stepped salary range of \$11,497.20- \$15,107.73 effective October 11, 2022.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,561–N.S.
- 12. Revision of the Tool Lending Specialist Classification to Reflect an Accurate Scope of Duties with a Four Percent (4%) Salary Increase**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 62,558-N.S. to approve the revision of the Tool Lending Specialist job specification to accurately reflect the scope of duties and to increase the current salary schedule by four percent (4%) effective March 16, 2021, or the employee’s start date, if more recent.
Financial Implications: See report
Contact: Tess Mayer, Library, (510) 981-6100
Action: Adopted Resolution No. 70,562–N.S.
- 13. Contract: Abbe & Associates LLC for the development of the Integrated Zero Waste Management Strategic Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Abbe & Associates LLC for the development of a draft and final Integrated Zero Waste Management Strategic Plan. Abbe & Associate LLC’s submittal was rated as the most comprehensive and responsive proposal to the RFP, Spec. No. 22-11477-C , released April 28, 2022. The contract’s total amount not to exceed is \$500,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,563–N.S.

Council Consent Items

- 14. Residential Preferential Parking (RPP) Program Expansion for West Berkeley Neighborhoods Within Two Blocks of Commercial Corridors**
From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Referral to the City Manager to expand the scope of the Residential Preferential Parking (RPP) program as originally proposed by staff during the May 14, 2019 City Council Public Hearing as a way to allow more residents to opt-in to this program.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Vice-Mayor Harrison added as a co-sponsor. Approved recommendation.

Council Consent Items

- 15. Regulation of Autonomous Vehicles** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Refer to the City Attorney the assessment of the legal abilities and opportunities for the City Council to regulate the operation, sale, and testing of autonomous vehicles (AVs) within the City of Berkeley and report to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee (FITES) on all findings.
Policy Committee Recommendation: To approve the item with a positive recommendation.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 16. Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement** *(Reviewed by the Public Safety Committee)*
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation:
1. Adopt an Ordinance Amending Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement.
2. Refer to the City Manager to report to Council within twelve months with anonymized data and information regarding discriminatory reports to law enforcement.
Policy Committee Recommendation: Approve the item with a positive recommendation.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation of the Public Safety Committee to: 1. Adopt first reading of Ordinance No. 7,837–N.S. as revised in Supplemental Communications Packet #2 by Vice-Mayor Harrison. Second reading scheduled for November 3, 2022. 2. Approve recommendation.
- 17. Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison**
From: Councilmember Harrison (Author)
Recommendation: Referral to the November 2022 AAO1 Budget Process for \$50,000 in additional traffic calming at MLK and Addison.
Financial Implications: \$50,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Taplin added as a co-sponsor. Approved recommendation.

Council Consent Items

18. Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle Intersections

From: Councilmember Harrison (Author)

Recommendation: Referral to the Transportation and Infrastructure Commission and City Manager to consider and make recommendations regarding the policy of deploying Rectangular Rapid Flashing Beacon (RRFB) and other treatments at dangerous or high-collision pedestrian and bicycle intersections.

Financial Implications: See report

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

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

19. Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone people

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

Recommendation:

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

Financial Implications: See report

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

Action: Councilmembers Taplin and Robinson added as co-sponsors. Adopted Resolution No. 70,564–N.S. and approved recommendation.

Action Calendar – Public Hearings

20. Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments to provide consistency for the incidental use of Amusement Devices and regulate Amusement Device Arcades as Commercial Recreation Centers.

Financial Implications: See report.

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

Public Testimony: The Mayor opened the public hearing. 3 speakers.

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

Vote: All Ayes.

Action: M/S/C (Droste/Arreguin) to adopt first reading of Ordinance No. 7,838-N.S. with the revisions noted in Supplemental Communications Packet #1 by the City Manager regarding formatting errors in the tables. Second reading scheduled for November 3, 2022.

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

Councilmember Hahn absent 9:07 p.m. – 9:12 p.m.

21. ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0095 to construct a six-story, multi-family residential building with 12 units (including two Low-Income units), and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 8 speakers.

M/S/C (Harrison/Wengraf) to continue the public hearing to November 3, 2022 and request that the City Manager provide resolution on paragraphs 49 and 50, and provide information on the requirement for an on-site manager unit.

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

Action Calendar

- 22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**
(Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item Contains revised material)

From: Commission on Labor

Recommendation: Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

Policy Committee Recommendation: To forward the Commission on Labor's item to Council with a positive recommendation to adopt the version of the ordinance dated "7/7/22" that was presented to the Health, Life Enrichment, Equity & Community Committee at the July 11, 2022 meeting.

Financial Implications: See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

- 22b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**
(Reviewed by the Health, Life Enrichment, Equity & Community Committee)

From: City Manager

Recommendation: Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

Policy Committee Recommendation: To forward the Commission on Labor's item to Council with a positive recommendation to adopt the version of the ordinance dated "7/7/22" that was presented to the Health, Life Enrichment, Equity & Community Committee at the July 11, 2022 meeting.

Financial Implications: See report

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

Action: Item 22a. scheduled for November 3, 2022. Item 22b. withdrawn by City Manager.

- 23. Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information**

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

Recommendation:

1. Proceed with Paving of Hopkins Street from Sutter Street to San Pablo Avenue as currently scheduled for 2023.

2. Proceed with implementation of the approved facilities from Sutter to McGee Avenue (including the four-way stop sign at McGee) in accordance with the Supplemental 3 recommendations approved by the City Council on May 10, 2022, including but not limited to the requirement that Community Building/Placemaking elements be developed and implemented simultaneously with Complete Streets/Traffic elements, to the greatest extent feasible.

3. Apply up to the full \$300,000 allocated between the FY 23 and FY 24 budgets towards the Community Building/Placemaking elements on the nine-block segment of Hopkins from Sutter to McGee to support their full and simultaneous

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implementation, as designed by a Landscape Architect.

4. Place on hold work towards implementing the changes for the three blocks of Hopkins from McGee to Gilman Street approved on May 10, 2022 pending further study of the alternatives, consideration of the specifications listed below under Alternatives to be Considered and Independent Study Specifications and additional City Council action, after the required study and community input, to either affirm the Council's actions of May 10, 2022 or to implement a substitute or modified program.

5. Refer \$400,000 to the FY 2024 budget process to fund a comprehensive, independent study of the McGee to Gilman portion of Hopkins Street, as specified below under Alternatives to be Considered and Independent Study Specifications.

Financial Implications: See report

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

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

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

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

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

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

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

Councilmember Bartlett absent 12:23 a.m. – 12:44 a.m.

Action: 62 speakers. M/S/C (Arreguin/Hahn) to adopt the recommendation from the City Manager in Supplemental Communications Packet #2 from City Manager.

The City Manager proposes the following.

1. Staff will provide a report to City Council by January 31, 2023, covering safe bike facility options considered but not recommended, explaining the potential benefits of those options as well as constraints that led to their elimination from consideration. Options considered but not recommended include the Ada Bypass, Hopkins/Rose Combination, and Hopkins One-Way Uphill.
2. A written report will be prepared by a newly engaged consultant/consulting team to include the elements listed below. The parking study area for the report will cover Hopkins from Carlotta to Gilman Streets as well as surrounding streets impacted by a mix of customers, employees, deliveries, and residents.

Study will consider current conditions and impacts of proposed changes on people traveling to the area by all modes, including on foot, bicycle, transit, truck (including

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semi-with trailer), wheelchair, taxi/rideshare, and those arriving by vehicle. Needs of individuals with limited mobility will also be considered and addressed.

Study will include, at a minimum, curb management analysis, a loading study to understand business needs, analysis of parking loss/gain and impacts for both vehicles and bikes, economic impacts analysis for businesses, and an intercept-type study to understand how residents and visitors currently access the study area and how transportation mode choices might change with different conditions.

Study will also cover potential/recommended parking loss mitigations including but not limited to timed and/or metered parking spaces, use of Residential Parking Permits, and special parking designations as needed for deliveries, disability access, and other uses. Potential benefits and impacts of mitigation strategies on all users, including residents, will be considered. Parking and loading options for residences, businesses, and schools/institutions losing street parking will be clarified.

In addition to analysis, the study and/or report(s) will present specific data, including complete estimated parking loss counts and analysis of proposed mitigation measure benefits/impacts, as well as any other data collected in the course of this and previous studies.

3. The economic impacts analysis will be prepared by the Economic Development Department with findings shared on or before January 31, 2023.
4. Staff is already working with a landscape architect to enhance the social and commercial space at and around the shopping node, as well as landscaping and other elements described in the original referral and May 10 approved plans.

The report(s) will be delivered to City Council in early 2023 for the public and City Council to consider after a round of outreach to this community's stakeholders. The City Manager's Office expects the cost of the report(s) to be less than \$50,000, which the City Manager will cover from existing public works salary savings and include a request for specific allocation in the next budget update.

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

24. Harriet Tubman Terrace Tenant Support

From: Housing Advisory Commission

Recommendation: Recommend City Council take the following actions:

- Review the video created by tenants about conditions at Harriet Tubman Terrace that was shown at the July 7, 2022 Housing Advisory Commission meeting;
- Direct the City Manager to investigate health and safety violations and other grievances identified by tenants at Harriet Tubman Terrace; and
- City Council request Harriet Tubman Terrace provide tenants with a dedicated tenant advocate to assist with relocation and other needs.

Financial Implications: See report.

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: Item 24 scheduled for November 3, 2022.

Information Reports

25. **Commission on Disability Fiscal Year 2022-2023 Work Plan**

From: Commission on Disability

Contact: Andrew Brozyna, Commission Secretary, (510) 981-6300

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 2 speakers.

Adjournment

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

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

Adjourned at 12:44 a.m.

Communications

COVID-19 Moratorium Eviction Abuse

1. Thelma Tajirian

Dominguez Lawsuit and House Cars

2. Eric Friedman

Wildfire Prevention

3. Bruce Feingold

Wildlife Crossing Under University Avenue

4. Mike Vanderman

Preserving City Hall and the Veterans Building

5. Leila Moncharsh

Russian Sister Cities

6. Phil Allen

Use of Measure G Funds for Leasing Options

7. Cielo Rios (2)

2136-2154 San Pablo Draft EIR

8. Kelly Hammargren
9. Sharon Gong, Planning and Development, Land Use Division

Trash Along Berkeley Roads

10. Alleen Manning

COVID Mask Policy for the City of Berkeley

11. Kristie Lavelle

12. Sofia Pavlova

Only One Active Member on the Elmwood Business Improvement Advisory Board

13. Kieron Slaughter, on behalf of the Office of Economic Development

Enforce Zero Waste Policing and Education

14. Chrise de Tournay Birkhahn (2)

Concerts at Greek Theaters – Noise Issue and Drivers Leaving

15. Hunter Schiff-Welsh

More Moderate-Income Housing

16. Lani Allen

Bug Infested Library Books

17. Barbara Gilbert

Berkeley 2022 Cannabis Policy Scoreboard

18. Getting It Right from the Start

Council Meetings and Religious Holidays

19. Barbara Gilbert

Violation of the Fair Campaign Practices by the 2022 School Board Candidates

20. Berkeley Parents Union

New Zoning Rules

21. Robert Lauriston

22. Susan Taylor

23. Avram Gur Arye

24. Benjamin Lehman

Market and Low-Income Housing

25. Patrick Sheahan, on behalf of Claremont-Elmwood Neighborhood Association

British Home Secretary and Police Symbolic Gestures

26. Pamela Michaud

Berkeley Police Departments Budget

27. Nancy Becker

Leaders with Integrity Needed in Berkeley

28. Elana Auerbach

Serving the Public

- 29. Ako2account@
- 30. Al Dolgosh
- 31. Jami Page
- 32. Doug
- 33. Public Citizen
- 34. Ronnie C.
- 35. Donny Cash
- 36. Scott Jackson

Bond Measure L

- 37. David Lerman
- 38. Joel Libove

Existing Building Carbonization Code

- 39. Christopher La Combe

Supplemental Communications and Reports 1

Item #16: Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement

- 40. Gina Rieger

Item #17: Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison

- 41. Revised material, submitted by Councilmember Harrison

Item #18: Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle Intersections

- 42. Revised material, submitted by Councilmember Harrison
- 43. Marc Hedlund

Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

- 44. Eduardo, on behalf of Sliver Pizzeria
- 45. John Caner, on behalf of the Downtown Berkeley Association (2)

Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information

- 46. S. Entwistle
- 47. Ellen Simms
- 48. David Gilbert
- 49. Chris Lee-Egan
- 50. Laura Klein

51. Samuel Pfister
52. Jason Martens
53. Bob Flasher
54. Ross Bernet
55. Michael Juster
56. Bianca Walser
57. Todd Andrew
58. Alex Benn
59. Tom Nishioka
60. Stephen Woodrow
61. Kimberly Wohler
62. Rachel Gold
63. Sam Kaplan-Pettus
64. Julian Foley

Item #20: Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades Item Title

65. Revised material, submitted by Planning and Development

Supplemental Communications and Reports 2

Item #16: Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement

66. Revised material, submitted by Councilmember Harrison
67. Team at Karens United
68. Karen Ciolino

Item #17: Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison

69. Charles Siegel
70. Ray Wichmann

Item #19: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People

71. Supplemental material, submitted by Councilmember Hahn

Item #21: ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095

72. Joe Spitzley
73. James Chip Brimhall

Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

74. Revised material, submitted by Councilmember Harrison
75. Beth Roessner, on behalf of the Berkeley Chamber
76. Jack Gardner
77. Jake White
78. Jane Scantlebury

- 79. Rebecca Rozen, on behalf of the Hospital Council Northern and Central California
- 80. 51 similarly-worded form letters

Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information

- 81. Revised material, submitted by the City Manager
- 82. Keren Stronach
- 83. Isabelle Gaston
- 84. Bob Flasher
- 85. Jessica Reich
- 86. John Blaustein
- 87. Brooke Dubose
- 88. Jean McGregor
- 89. Nancy Werthan
- 90. Gradiva Couzin
- 91. Jean Fitz
- 92. Robert Kehlmann
- 93. Lenore Ralston
- 94. Barbara Lewis
- 95. Kay Englund
- 96. Kathy Skrainar
- 97. Judy Baker
- 98. Karen Kiyo Lowhurst
- 99. Helena Meyer-Knapp
- 100. Stefano DellaVigna
- 101. Nancy Kassover and Scott Wren
- 102. Virginia Kamp
- 103. Len and Ginny Kamp
- 104. Lisa Oglesby
- 105. Steve Robey
- 106. Lisa Chow
- 107. Lean and John Rosenthal
- 108. Melanie O'Hare
- 109. Kimberly Cohn
- 110. Dona Boatright
- 111. Stephen Wood
- 112. Jose Franklin Arau
- 113. Lisa Goodman
- 114. Joy Osborne
- 115. Frances Donovan
- 116. Paul Dresher
- 117. Tom and Carol Leonard
- 118. CC Miksza
- 119. Rob Yohai
- 120. Grace Wood
- 121. Whitney van Nouhuys

122. Gail Nanao
123. Janet Sorensen
124. Heath Maddox
125. Ellen Newman
126. Bronya Feldmann
127. Mary Lou Allen
128. Nicole Laddish
129. Barbara Ryken
130. Steve Meyers
131. John Harris
132. Ina Clausen
133. Leonard Becker
134. Don and Mara Melandry
135. Wendy Markel
136. Susan Orbuch
137. Miftah Leath
138. Sandy Niemann
139. Megan Wachspress
140. Anya Davis
141. Dorothea Dorenz
142. Kenny Yip
143. Judith Brown
144. Heath Maddox
145. Miriam Kasin
146. Wilma Rader
147. Hagit Cohen
148. Kathleen Haberer
149. Miranda Ewell
150. Diana Bermudez
151. Betsy Bigelow-Teller
152. Carol Benioff
153. Ann Krooth
154. Stephen Morris
155. Joan and David Hollinger
156. Rudy VanderLans
157. Brian Gilbane
158. Terry Mandel
159. Gregg and Ruth Gorrin
160. Linda Benjes
161. Darlene Pratt
162. Joan Guilford and Richard Jackson
163. Ellen Goldblatt
164. Joan Garvin
165. Nick Grosh
166. Elizabeth Thomas
167. Katherin Tran

168. Kamron Soltani
169. Victor Gaspar-Flores
170. Fona Ou
171. Mary Staats
172. Katharina Kaiser
173. Bessie Chin
174. Maria Sakovich
175. Bari Cornet
176. Emmerich Anklam
177. William Hein
178. Suzette Trigger
179. Lisa Brenneis
180. Melissa Little
181. Andrew Little
182. Debbie Kendall
183. Stephanie Thomas
184. Judy Davidoff
185. Kathy Scandling
186. Lannon Leiman
187. Jack Gipsman
188. Daren Fields
189. Debra Lande
190. Cindy Rahav
191. Lisa Rossi
192. Peggy Mendelson
193. Marek Kanter
194. Pat Roberto
195. Janice Pat Scott
196. Jerry Skrainar
197. Leslie Retallick
198. Chris McKee
199. Monika Eisenbud
200. Diane Kanegae
201. MaryAnn Furda
202. Leslie Sakai
203. Elsa Tranter
204. Ceara Brencic
205. Bronwyn Hall
206. Laura Schmidt
207. Joyce and Jan DeVries
208. Melinda diSessa
209. Denah Bookstein
210. Barbara Claire Freeman
211. Ben Hartshorne
212. William Foley
213. Richard Laden

214. John Parman
215. Judith Tabb
216. Jo Ann Driscoll
217. Steven Lipson
218. Abby Thorne-Lyman
219. Karen Ball
220. Jeffrey Carter
221. Cindy Shamban
222. Meg Holm
223. Cleo Papanikolas
224. Sam Greenberg, on behalf of East Bay for Everyone, Telegraph for
People and Cal Berkeley Democrats Board
225. Laurel May
226. Julia Cato
227. Steve Ratcliff
228. Susan Stone
229. Annie Barrows
230. svdlnonpersonal@
231. Patty Lipinska
232. Steve Kamman
233. Brian Turner
234. Robin Blum
235. Andrea Kamman
236. Geoff
237. Jonathan Cohen
238. David Sochowitzky
239. Nicolie Bolster
240. Gloria Schild
241. Sloane Morgan
242. Howard Goldberg
243. Margo Webster
244. Shireen Burns
245. Marc Hedlund
246. Teresa Wong
247. Lee Ann Weber
248. Mary Canavan
249. Virginia Logan
250. Jane Schoenfeld
251. Gabriel Legendy
252. Marilyn White
253. Cynthia Dorfman
254. Alan Schoenfeld
255. Councilmember Hahn (14)
256. Ellen Weinreb
257. George Porter
258. Helen Toy

- 259. Diana Bohn
- 260. Bronya Feldmann
- 261. Ellen Hahn
- 262. Poppy Davis
- 263. Monika Mann
- 264. Susan Matisoff
- 265. Peter Samis
- 266. Juanita McSweeney
- 267. Joan Grant
- 268. Patricia St. John
- 269. Meryl Siegal
- 270. Tina Boyer
- 271. Jeanne Schuman
- 272. Mimi Abers
- 273. Tessa Landgraf
- 274. Diane Gerstler
- 275. Linda Franklin
- 276. Jean-Luc Szpakowski
- 277. Nancy Facher
- 278. Daphne Miller
- 279. Dibsych Machta
- 280. Pau Jasper and Family
- 281. Gina Rieger
- 282. Katie Johnson
- 283. Marilyn Jensen
- 284. Heidi Sanders
- 285. Timothy Sanders
- 286. Julie Silber
- 287. Pam Zelnik and Mark Stuhr
- 288. Sally Nelson
- 289. Annell Kocher
- 290. Jeanie Waddell
- 291. Helen Kennedy
- 292. Chris Goldin
- 293. Gail Todd
- 294. Verna Winters
- 295. Jimmy Owens
- 296. Llyana Landes
- 297. Lauren Parsons
- 298. Alex Benn
- 299. John and Bonnie Knight
- 300. Nancy Van House
- 301. Emily Warden
- 302. Anne Sparks
- 303. Naomi Pearce
- 304. Belle Adler

- 305. Barbara Mathews Smith
- 306. Ann Hasse
- 307. Amelia Fernholz
- 308. Peter Metcalf
- 309. Georgie Paulos
- 310. Colleen Busch
- 311. Katherine Ziegler
- 312. Juli Dickey
- 313. Cathy Fogel
- 314. Jamie Rosen
- 315. Susan Brand
- 316. John Gilman
- 317. Daniel Newman
- 318. Helen Kravetzky
- 319. Marvin Snow
- 320. Phyllis Steiber
- 321. Emily Shepard
- 322. Richard Boubelik
- 323. Marilyn Marguilus
- 324. Charles Siegel
- 325. Marueen Burke
- 326. Gail Martin
- 327. Jeanne Friedman
- 328. John Parman
- 329. Nancy Humphrey
- 330. Ben Gerhardstein and Karen Parolek, on behalf of Walk Bike Berkeley (2)
- 331. KO
- 332. Arly Cassidy Dolbakian
- 333. Heather Ball
- 334. Sean Co
- 335. Carol Henning
- 336. Sandra Curtis
- 337. 17 similarly-worded form letters

Urgent Item: Resolution in Support of Women in Iran

- 338. Urgent item, submitted on behalf of Councilmember Droste
- 339. Urgent item, submitted on behalf of Councilmember Bartlett

Supplemental Communications and Reports 3

Item #21: ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095

- 340. Presentation, submitted by Planning and Development
- 341. Barbara Gilbert (2)

Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

- 342. Alex Torres, on behalf of the Bay Area Council

- 343. Kelly Hammargren
- 344. Adolfo Cabral
- 345. 13 similarly-worded form letters

Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information

- 346. Kate Nichol
- 347. Eric Rakowski and Yen Trac
- 348. Jessica Livingston
- 349. Jeffrey Baker
- 350. Beth Gerstein, on behalf of Councilmember Kesarwani
- 351. Susie Wallenstein
- 352. Jo Welsch
- 353. Jake Matchet
- 354. Todd Andrew
- 355. Vici Casana
- 356. Janice Shordike
- 357. Susanne Huttner
- 358. Amber Evans (2)
- 359. Ellen Brotsky
- 360. Barbara O'Hay
- 361. Stacey Rutherford
- 362. Carole and Richard Rotblatt
- 363. Ian Meyers
- 364. Dawson Morton
- 365. Florance Zhang
- 366. Friends of Five Creeks
- 367. John Parman