



Office of the City Manager

CONSENT CALENDAR
September 13, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of July 7 (closed), July 12 (closed and regular), July 18 (closed), July 26 (special and regular) and August 3 (special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 7, 2022-Closed Council Meeting
2. July 12, 2022-Closed Council Meeting
3. July 12, 2022-Regular Council Meeting
4. July 18, 2022-Closed Council Meeting
5. July 26, 2022-Special Council Meeting
6. July 26, 2022-Regular Council Meeting
7. August 3, 2022 Special Council Meeting

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING**

THURSDAY, JULY 7, 2022

4:30 P.M.

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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81831321606>. 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); enter Meeting ID: 818 3132 1606. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:31 p.m.

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

Absent: Bartlett

Public Comment - Limited to items on this agenda only – None.

CLOSED SESSION:

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

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

Property address:	Berkeley Inn 1720 San Pablo Ave, Berkeley, California
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Peter Radu, Assistant to the City Manager
Negotiating parties:	City of Berkeley & Pravin Patel
Property owner:	Ganga Holdings, LLC
Under negotiation:	Price and terms
Property address:	1250-1288 9th Street, Berkeley, California
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Keith May, Acting Deputy Fire Chief; Dionne Early, Community Development Project Coordinator – PW Real Property
Negotiating parties:	City of Berkeley & Smith and Walters, Inc
Property owner:	Smith and Walters, Inc.
Under negotiation:	Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director, Dawud Brewer, Employee Relations Manager.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

Action: No reportable action taken.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

a. Workers Compensation Appeals Board Case Number: ADJ11219150

Action: M/S/C (Wengraf/Arreguin) to provide direction to outside counsel and approve a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with an Award of lifetime future medical care, as to workers' compensation matter WCAB Case Number: ADJ11219150.

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

Councilmember Wengraf absent 6:45 p.m. – 6:55 p.m.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

The City Council provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with an Award of lifetime future medical care, as to workers' compensation matter WCAB Case Number: ADJ11219150.

Adjournment

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

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

Adjourned at 6:55 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 7, 2022 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JULY 12, 2022

4:00 P.M.

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
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Preliminary Matters

Roll Call: 4:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:09 p.m.

Councilmember Bartlett present at 4:13 p.m.

Public Comment - Limited to items on this agenda only – 3 speakers

CLOSED SESSION:

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

1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Police Accountability

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 12, 2022.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 12, 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
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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.

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

Preliminary Matters

Roll Call: 6:08 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:10 p.m.

Report from Closed Session

City Council met in closed session on July 7, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with an Award of lifetime future medical care, as to workers' compensation matter WCAB Case Number: ADJ11219150.

Ceremonial Matters:

1. Adjourned in Memory of Thomas Lord, Local Activist and Former Commissioner

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

Action: M/S/C (Arreguin/Droste) to accept supplemental materials from Councilmember Taplin on Item 18.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

1. FY 2023 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,828-N.S. adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$754,176,624 (gross appropriations) and \$625,939,999 (net appropriations).

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

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: Adopted second reading of Ordinance No. 7,828-N.S.

Consent Calendar

- 2. goBerkeley SmartSpace Pilot Program Implementation Recommendations**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,829-N.S. repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations (“pay-by-plate”) to improve convenience and enforcement.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,829–N.S.
- 3. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 9, 2022, in Long Beach.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation appointing Councilmember Hahn as the voting delegate and Councilmember Taplin as the alternate.
- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 12, 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: Various Funds - \$3,620,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 5. Contract No. 32000243 Amendment: Waters Moving & Storage for Facility Moves**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000243 with Waters Moving & Storage for moving office furniture between various Health, Housing, & Community Services Department (HHCS) facilities, as part of HHCS program relocations. These facility sites include, but are not limited to, the North Berkeley Senior Center, West Berkeley Service Center, 830 University Avenue, and 1947 Center Street. The contract is being amended to add to the scope and increase the original contract by \$10,000 to the original contract amount of \$50,000 to move Aging Services back into the newly rehabilitated North Berkeley Senior Center. The total amended amount will not exceed \$60,000 for the period June 1, 2020 through December 30, 2022.
Financial Implications: General Fund - \$10,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,445–N.S.
- 6. Contract No. 8958F Amendment: Bartel Associates, LLC for Actuarial Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8958F increasing contract amount by \$110,000 with Bartel Associates, LLC for Actuarial Consulting Services, for a revised total contract amount not to exceed \$380,000 through December 31, 2023.
Financial Implications: Various Funds - \$110,000
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,446–N.S.
- 7. Contract No. 31900045-3 Amendment: Vestra Resources, Inc. for Additional Geographic Information System (GIS) Projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900045-3 with Vestra Resources, Inc. for Geographic Information System (GIS) professional services, for a total not to exceed \$28,679 and for a total contract value of \$64,990 from September 15, 2018 to June 30, 2024.
Financial Implications: IT Cost Allocation Fund - \$28,679
Contact: Michael Sinor, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,447–N.S.

Consent Calendar

- 8. Contract No. 31900193 Amendment: Hamilton Tree Service, Inc. for As-Needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900193 with Hamilton Tree Service, Inc, for as-needed tree services, increasing the amount by \$300,000 for an amended total amount not to exceed \$500,000.
Financial Implications: Various Funds - \$300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,448–N.S.
- 9. Contract No. 31900218 Amendment: West Coast Arborists, Inc. for As-Needed Tree Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 31900218 with West Coast Arborists Inc., for as-needed tree services, increasing the amount by \$200,000 for an amended total amount not to exceed \$700,000.
Financial Implications: Various Funds - \$200,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,449–N.S.
- 10. Contract No. 32200076 Amendment: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200076 with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Improvements Project, increasing the amount by \$26,000 for an amended total amount not to exceed \$1,145,580.
Financial Implications: Parks Tax Fund - \$26,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,450–N.S. as revised in Supplemental Communications Packet #2 by the City Manager to increase the amount by \$80,000 for an amended total amount not to exceed \$1,199,580.

Consent Calendar

11. **Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention**
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by November 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the City Manager and Finance Department. They have agreed to our findings and recommendations. Please see our report for their complete response. This audit report has been updated with new information regarding the City's Section 115 Trust.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Approved recommendation.

12. **Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$227,500, and extending the contract term to June 30, 2023.
Financial Implications: Mayor's Office Budget - \$78,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,451–N.S.

Council Consent Items

13. **Joining the House America Initiative**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution joining House America, an initiative of the U.S. Department of Housing and Urban Development and the U.S. Interagency Council on Homelessness to form partnerships with state, tribal and local governments to rehouse people experiencing homelessness.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,452–N.S.

14. **Support for Assembly Constitutional Amendment 3**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for ACA-3 to members of the state legislature including Senator Kamlager (D-Los Angeles), Senator Skinner (D-Berkeley), and Assemblymembers Kalra and Wicks.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as revised in Supplemental Communications Packet #1 by Councilmember Taplin.

Council Consent Items

- 15. Support for AB-1816: Reentry Housing and Workforce Development Program.**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Assembly Bill 1816 to Assemblymember Isaac Bryan (D-Los Angeles) and state legislators representing the City of Berkeley (Skinner/Wicks).
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation as revised in Supplemental Communications Packet #1 by Councilmember Taplin.
- 16. Support for SB 1063: Flexibility for Energy Innovation**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Senator Nancy Skinner and Assemblymember Buffy Wicks in support of Senate Bill 1063, which would authorize the California Energy Commission (CEC) to make new technology standards effective sooner, enabling the Commission to expedite the rollout of new green technologies and be more responsive to climate emergencies.
Financial Implications: Staff time
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Vice-Mayor Harrison added as a co-sponsor. Approved recommendation.

Action Calendar – Public Hearing

17. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

BMC Section 23.202.140 (R-SMU Zoning District)

BMC Section 23.204.020 (Commercial Districts -- Allowed Land Uses)

BMC Section 23.204.030 (Additional Permit Requirements)

BMC Section 23.204.060 (C-U Zoning District)

BMC Section 23.204.130 (C-DMU District)

BMC Section 23.206.202 (Manufacturing Districts – Allowed Land Uses)

BMC Section 23.302.030 (Temporary Uses and Structures)

BMC Section 23.302.070 (Use-Specific Regulations)

BMC Section 23.404.040 (Public Notice)

BMC Section 23.502.020 (Glossary)

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Wengraf) to close the public hearing.

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

Councilmember Droste absent 7:15 p.m. – 7:20 p.m.

Action: M/S/C (Hahn/Harrison) to adopt first reading of Ordinance No. 7,830-N.S. Second reading scheduled for July 26, 2022.

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

Action Calendar – Old Business

18. **Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual** (*Continued from May 24, 2022*) (*Item contains revised material*) (*Reviewed by the Public Safety Committee*)

From: Councilmember Droste (Author), Councilmember Taplin (Author)

Recommendation: Revise Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department (BPD) Law Enforcement Services Manual to enable officers of the Berkeley Police Department to conduct detentions and warrantless searches individuals on parole/probation consistent with and supportive of the provisions in the probationer's/parolee's release conditions.

Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation, as revised by the committee and subject to legal review.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted the policy revision as introduced in the supplemental material submitted by Councilmember Taplin. Councilmembers Droste and Hahn added as co-sponsors on the supplemental material.

In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion.

*Officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status. **Individuals contacted or detained who are found to be on searchable Supervised Release for Violent Offenses¹ may be searched pursuant to the terms of their Supervised Release conditions.** The decision to detain a person and conduct a probation or parole search or otherwise enforce probation or parole conditions **for those on supervised release for nonviolent crimes²**, should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime **or which demonstrate that the individual is connected in some way to criminal activity or that the individual is an imminent threat to officer or citizen safety.** In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.*

¹ Offenses involving the use of force, the threat of force, the use or possession of a weapon, sexual violations against the person of another, human trafficking, and the use of force or threats to public safety. Battery on a Peace Officer (Penal Code § 243(b)), Reckless Evasion in a Vehicle (Vehicle Code § 2800.2(a)), or a violent felony as defined in Penal Code § 667.5(c)., fall into the categories of violent crimes, weapons offenses, sex crimes and/or crimes involving threats to public safety in accordance with state law.

² "Non-Violent Offenses" are defined as offenses in which violence or use of a weapon or threat to life safety is not a factor.

Action Calendar – Old Business

19. Restoring and Improving Access to City of Berkeley Website and Archival Materials *(Continued from June 14, 2022)*

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

Recommendation: Direct the City Manager to:

1. Restore at previous URLs all PDF documents previously hosted on the City of Berkeley website.
2. Create a publicly accessible archival copy of the City's previous website, CityofBerkeley.info, that can be accessed without logins and via internet search engines. Include a prominent disclaimer noting the date the website, page, or document was archived, with links redirecting to the active website or other responsive resource.
3. On the new website, update Commission pages to include a minimum of 2 years of historic agendas and other materials and update City Council and Council Committee pages to include at least 3 years of complete materials.
4. By July 15, 2022 develop and make available to all City staff and to the public training at beginner to expert levels on use of the City's Records Online search function and create more extensive and less technical self-help resources covering basic and expert use.
5. In recognition of increased public traffic, update the Records Online homepage to explain how the portal works and link to more robust self-help resources and alternative search functions.
6. Coordinate with agency staff to include all relevant records (agendas, minutes, etc.) from Rent Board and Housing Authority in Records Online Portal.
7. Update any remaining 404 pages to explain that the City's website has been moved/updated, and provide links to helpful pages, search functions and/or pathways to access responsive materials. As quickly as possible, consider implementing redirects with wildcards to direct as many old links to relevant new website pages in lieu of the standard 404 page. E.g. cityofberkeley.info/planning* to the Planning Department site map/homepage, or Department Specific 404 page explaining new navigation.

Refer to the City Manager the following additional improvements to Records Online:

1. Within Records Online, provide unique archival/search categories for each City Commission, Board, Committee and Rent Board, and consider other useful categories, to assist users in narrowing results and identifying responsive materials.
2. Allow Records Online search results to be sorted by date and by other searchable factors. Consider means to integrate records online into default site search bar.
3. Explore and report back to Council options for improving the scope of Records Online, improving search options and sorting, and making all materials – or materials from January 1, 2000 (or an earlier recommended date) forward, searchable using internet search engines.

Financial Implications: Staff time

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

Action: Item 19 continued to July 26, 2022.

Action Calendar – New Business

20. Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

From: 4 x 4 Joint Committee on Housing City Council/Rent Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Recess 8:10 p.m. – 8:20 p.m.

Action: 54 speakers. M/S/C (Arreguin/Harrison) to:

Delay final action tonight and continue Item #20 to the July 26, 2022 regular City Council meeting and direct the City Attorney to bring back revised measure language reflecting the following changes:

1. Bring back revised language for Section 13.76.050.F to continue the exemption from just cause and rent control for owner occupied “Golden Duplexes” if the duplex was owner-occupied as of July 1, 2022 and continues to be occupied by the same owner. Once the current owner no longer resides there, then it would be no longer be exempt.

Action: M/S/Failed (Wengraf/Kesarwani) to take no action on the golden duplex provisions in Part 1 of the Main Motion.

Vote: Ayes – Kesarwani, Taplin, Wengraf, Droste; Noes – Harrison, Hahn, Robinson, Arreguin; Abstain – None; Absent – Bartlett (Recused – resides in golden duplex).

Action: M/S/Failed (Arreguin/Harrison) to approve Part #1 of the Main Motion.

Vote: Ayes – Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Taplin, Wengraf, Droste; Abstain – None; Absent – Bartlett (Recused – resides in golden duplex).

Councilmember Bartlett recused 9:45 p.m. – 10:35 p.m.

2. Remove the language in Section 13.76.050.N which would repeal the exemption of lawfully established and fully permitted Accessory Dwelling Units from just cause for eviction protections. Also, refer to the City Manager to explore noticing requirements of rent/eviction control exemption for ADU units.

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

Vote: All Ayes.

Action Calendar – New Business

Action: M/S/C (Hahn/Harrison) to approve Part #2 of the Main Motion.

Vote: All Ayes.

3. Bring back the proposed language in Section 13.76.040 to modify the new construction exemption for SB 330 replacement units and other units if permitted by state or local law.

Action: M/S/C (Arreguin/Harrison) to approve Part #3 of the Main Motion.

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

4. Bring back the proposed language in Section 13.76.060.Q as proposed by the Rent Board, “Rent Stabilization Ordinance/Decontrol”.

Action: M/S/C (Arreguin/Harrison) to approve Part #4 of the Main Motion.

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

5. Remove the language in Section 13.76.130, “Additional Occupants.”

Action: M/S/C (Arreguin/Harrison) to approve Part #5 of the Main Motion.

Vote: All Ayes.

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

Information Reports

21. Youth Commission Work Plan 2022

From: Youth Commission

Contact: Ginsi Bryant, Commission Secretary, (510) 981-6700

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 7 speakers.

Adjournment

Adjourned at 11:30 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on July 12, 2022.

Mark Numainville, City Clerk

Communications

Item #19: Restoring and Improving Access to City of Berkeley Website and Archival Materials

1. David Lerman (2)

Berkeley Marina Area Specific Plan and Cesar Chavez Park

2. Laura Katz
3. Sarah Elzea
4. Helen Greenspan
5. Margaret and Laura Goodman
6. Kristi Bennewitz
7. Ric Keeley
8. Robin Slovak
9. Nancy Schimmel
10. Leslie Brogan
11. Kate Greswold
12. Mort Cohn
13. Rose Glickman
14. Karen Hoffman
15. Nel Benningshof
16. Phyllis Olin
17. Claire Kahane
18. Kathleen Tandy
19. Kellie Gan
20. Nick Despota
21. Robin Freeman
22. Carol Ginsburg and Joseph Como
23. Kate Greswold
24. Sahana Rajasekar
25. Caroline Powell
26. Stefani Berger

Vacancy Tax

27. Elana Auerbach
28. Avram
29. Barbara Gilbert (2)
30. Toni Mester

Hopkins Corridor

31. Rachel Bradley
32. Tanya Bustamante, on behalf of The Commission on Aging
33. Susan Taylor

eScooters

34. Robert Byler
35. Anne McClintock (2)
36. Melanie Beasley, on behalf of the City Manager's Office

People's Park

37. Moni Law

Climate

38. Thomas Lord

Neighbors Smoking – Modify B.M.C. 12.70.035

39. Anne Marie (2)

Plastic Bag Ordinance

40. Dakota Peebler

Hybrid Council Meetings

41. Elana Auerbach

Homelessness

42. M. Emillie Keas

43. Gordon Peterson

Illegal Short-Term Rental

44. Ramona Cavanaugh

1740 San Pablo New Construction – Funding Application

45. Kate Traynor, on behalf of BRIDGE Housing

Reimagining Public Safety

46. Nan McGuier

Shellmound

47. Zahcary Bell

Eviction Moratorium

48. Anne

African American Holistic Resource Center (AAHRC)

49. George Lippman, on behalf of Berkeley Peace and Justice Commission

Traffic at Intersections of 80 and University and Gilman

50. Nick Roosevelt

51. Farid Javandel

SB 1183

52. Seena Hawley

BART Development

53. Nancy Lieblich

Needles and Drug Use Downtown

54. Alex Merenkov

Fire Anniversary of September 17, 1923

55. Margot Smith

Eviction of the Pacific Center at 2712 Telegraph Avenue

56. Lasara Firefox

Double Parking on Durant

57. Alex Merenkov

Housing Element

58. Kelly Hammargren

Fire Danger at People's Park

59. Max Ventura

Accept Haitian Migrants to Berkeley

60. Nin Ichikawa

UN Secretary General

61. Thomas Lord

Arson and Wildfires

62. Barbara Gilbert

Tenants Opportunity to Purchase Act

63. Kelly Hammargren

64. 56 similarly-worded from letters from "campaigns@good.do"

Supplemental Communications and Reports 1

Item #1: FY 2023 Annual Appropriations Ordinance

65. Eric Friedman

Item #14: Support for Assembly Constitutional Amendment 3

66. Supplemental material, submitted by Councilmember Taplin

Item #15: Support for AB-1816: Reentry Housing and Workforce Development Program

67. Supplemental material, submitted by Councilmember Taplin

Item #18: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

68. Supplemental material, submitted by Councilmember Taplin

Item #19: Restoring and Improving Access to City of Berkeley Website and Archival Materials

69. Melanie Beasley, on behalf of the City Manager's Office

Item #20: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

70. Revised material, submitted by the City Attorney's Office

71. Dan McDunn

72. William Campbell

73. Kevin Casey

Supplemental Communications and Reports 2

Item #10: Contract No. 32200076 Amendment: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project

74. Revised material, submitted by Parks, Recreations & Waterfront

Item #18: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

75. Supplemental material, submitted by Councilmember Taplin

76. Revised material, submitted by Councilmember Droste

77. Bryce Nesbitt

78. Michael Brodheim

79. Todd Andrew

80. Andree Jones

81. Carolyn

82. Lorenzo Avila

83. Rachel Bradley

84. Isabelle Gaston

85. Steve Kromer

86. Rob Yohai

87. Jon McAuliffe

88. 38 similarly-worded form letters

Item #20: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

89. Revised material, submitted by the City Attorney's Office

90. Joann Sullivan

91. Alicia Moore

92. Vanessa Marrero

93. Kirsten Rose

94. Norma Harrison

95. Debbie Woods

96. Jerry Fillingim

97. Charlene Woodcock

98. Robin R

99. Cecile Leneman

100. Erica Cleary

101. Yoni Mayeri
102. Chris Ballinger
103. Judy MacLean
104. Jeffrey Carter
105. John Tortorice
106. Sheila Goldmacher
107. Diana Bohn
108. Michele Muenning
109. John Selawsky
110. Fredric Fierstein
111. Angela Carlton
112. Beth Gerstein, on behalf of Councilmember Kesarwani
113. Thomas Luce
114. Diana Bohn
115. Anne McClintock
116. Matthew Lewis
117. Claudia Kawczynska
118. Debra Sanderson, Co-chair ADU Task Force
119. Julieta Pisani McCarthy
120. Cameroon Woo
121. 7 similarly -worded form letters

Supplemental Communications and Reports 3

Item #16: Support for SB 1063: Flexibility for Energy Innovation

122. D.S.

Item #18: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

123. Supplemental material, submitted by Councilmember Taplin
124. Fran Haselsteiner
125. Sara Shnider
126. April Gilbert
127. Ben Finkel
128. Barbara Gilbert
129. Jake Teitebaum
130. Elliot Halpern
131. Kitt Saginor
132. Meryl Siegal
133. Karen Weidert
134. Diana Bohn
135. Laralynn Rapoza
136. John Rea
137. Mike Perlmutter
138. Carol Denney
139. Meghan Schwartz
140. Vicki Sommer

141. Terrence Kotsatos
142. Kellicia Kotsatos
143. Margaret Pritt
144. Raul Delarosa
145. Max Ventura
146. Tracy Rosenberg
147. Julia Cato
148. Glenda Citragno
149. Edward Opton
150. Lynda Caesara
151. Alicia Moore
152. Wendy Alfsen
153. Larry Hartsough
154. Elana Auerbach
155. John Vias
156. Josh Buswell-Charkow
157. Lisa Ferguson
158. Negeene Mosaed
159. Fred Krieger
160. Christoverre Kohler
161. Laura Klein
162. Debbie Woods
163. Anna Sophie Loewenberg
164. Jan Baerwald
165. Mark McGoldrick
166. Kelly Hammargren
167. Adolfo Cabral
168. Bill Newton
169. Beth Goldstein
170. Hongnian Guo
171. Dennis Weikel
172. Marcia Dubois
173. Stephanie Lim
174. Seena Hawley
175. Andrea Kamman
176. Dai Ying Zhang
177. Selena Chu
178. Laurie Lenrow
179. Kellicia Wong Kotsatos
180. David Lerman
181. Bill Pottinger
182. J. Frederick Clark Jr.
183. Gina Rieger
184. Joshua Reich
185. Simon Leemann
186. Alyse Jacobson

187. Becky Dalton
188. Sheila Moran
189. Ari Lev
190. Catherine Shalen
191. Sunny Yoon
192. Richard Bunce
193. Christine Staples
194. John E. Rosenthal
195. Suzanne McKee
196. Steven Berger
197. John Rice
198. Seth Engel
199. David Fogarty
200. Irene Marcos
201. Feliciano Mejia
202. Alex Jordan
203. Wenxia Maclay
204. Peter Hosemann
205. Julia Zhang
206. Diego Aguilar-Canabal
207. Bethany del Lima
208. William Rosen
209. Lisa Tsang
210. Shuang Li
211. Bruce Feingold
212. Frannie Mok
213. Susan Orbuch
214. wenijingxu@
215. Erik Schmitt
216. Audrey Richards
217. Mari Vlastos
218. Liz Ruhland

Item #20: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

219. Norma Harrison
220. Neil Sawhney
221. Julia Cato
222. Tobey Wiebe
223. Karen Gosling
224. Negeene Mosaed
225. Becca Freed
226. Diana Bohn
227. Katharine Bierce
228. Chimey Lee
229. Bryce Nesbitt
230. Jeanne Clinton

231. Scott Curtin
232. Cris Benton
233. Michael O'Heaney
234. Tony Warwick
235. Michael Katz
236. Claire Sherman & Ed Anisman
237. Virginia Browning
238. Lauren Schiller
239. Lori Kossowsky
240. Laura Bixby
241. Daren Fields
242. Mathias Kondolf
243. Alejandro Garcia-Paredes
244. Katharine Vidt
245. Teresa Paris
246. Rebecca Champion
247. Erin Chalmers
248. Elena Gonzalez
249. Carol Perez
250. Lawrence Kaplan and Marie Champlin (2)
251. Stephen Knight
252. The Casita Coalition
253. Brenda Richardson
254. Sean McMurray
255. Barbara Gilbert (2)
256. Jeanne Clinton
257. Todd Andrew (2)
258. Tuan Ngo
259. Jesus Mejia
260. Rie Takahashi

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING**

MONDAY, JULY 18, 2022

4:00 P.M.

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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87836924529>. 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); enter Meeting ID: 878 3692 4529. 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.

Preliminary Matters

Roll Call: 4:01 p.m.

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

Absent: Kesarwani, Bartlett

Public Comment - Limited to items on this agenda only – 1 speaker.

CLOSED SESSION:

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

1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Police Accountability

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 8:38 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 18, 2022 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

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

**Tuesday, July 26, 2022
3:00 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/89491193768>. 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: **894 9119 3768**. 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: 3:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 3:07 p.m.

Councilmember Bartlett present at 3:21 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 0 speakers.

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

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

Consent Calendar

1. **Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Adopting a successor three-year Memorandum Agreement (MA) with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of July 1, 2022 through June 30, 2025, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and
2. Approving a new salary resolution for Representation Unit C that implements the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 69,962-N.S.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,453–N.S. (IBEW Local 1245), and Resolution No. 70,454–N.S. (Representation Unit C).

Consent Calendar

**2. Side Letter of Agreement – SEIU Local 1021 Maintenance and Clerical Chapters
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union Local 1021 Maintenance and Clerical Chapters to modify Section 31.3 of the Memorandum Agreement regarding the Pre-Age 65 Retiree Health Insurance. Effective 7/1/2022 through 6/30/2023, the City shall contribute an additional \$200.00 toward both single and two-party rate for active employees who retire from city service and file such retirement within thirty (30) days of separation from the city with CalPERS. This enhanced retiree incentive shall continue until Section 31.4 become applicable.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,455–N.S.

Action Calendar – New Business

3. **Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition**

From: Councilmember Wengraf (Author), Councilmember Kesarwani (Author), Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a Resolution establishing a Council fiscal policy to allocate \$8 million annually in General Fund monies for street maintenance, adjusted annually for inflation. The allocation will augment the existing General Fund street paving budget of \$7.3 million, for a total of \$15.3 million annually, adjusted for inflation. The policy allows for suspension in any year in which there is a budget deficit or emergency under two circumstances (1) the City Council draws upon \$1 million (or more) from its Stabilization Reserve in order to adopt a final budget; or (2) a two-thirds vote of the City Council.

This policy is needed to ensure that deferred street maintenance is supported by an ongoing adequate General Fund contribution. Without adequate ongoing street maintenance funding, analysis shows that a one-time infusion of resources will only lead to a temporary improvement in the pavement condition.

Financial Implications: See report

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

Action: 5 speakers. M/S/C (Wengraf/Arreguin) to adopt Resolution No. 70,456–N.S. with the changes to resolved clauses noted in the underlined text below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a fiscal policy is hereby established requiring the allocation of \$8 million dollars annually from the General Fund to the Street Maintenance Fund, in addition to the existing baseline \$7.3 million allocation, for a total amount of \$15.3 million to be adjusted annually for inflation using the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics, or other construction index as recommended by the City Manager.

BE IT FURTHER RESOLVED that this fiscal policy to fund street maintenance at a level of \$15.3 million (as adjusted for inflation) may be suspended in any year in which the City Council draws upon \$1 million (or more) from the Stabilization Reserve in order to adopt a final budget or by a two-thirds vote of the City Council.

Vote: All Ayes.

Action Calendar – New Business

4. Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

From: City Manager

Recommendation:

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of \$300 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.

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

Financial Implications: See report

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

Action: 15 speakers. M/S/C (Arreguin/Kesarwani) to continue Item 4 to a special meeting to be held on August 3 and provide direction to the City Manager to return with a revised single bond measure in an amount from \$600 million to \$650 million, and provide analysis of the various bond amounts, including average tax rate and various bond terms. Bond measure text should categories the funding as noted below.

\$300 million – street paving, sidewalks, and complete streets

\$150 million – affordable housing

\$150 million – other public infrastructure, undergrounding on evacuation routes, civic center improvements, infrastructure at the waterfront, the pier, parks, pools, or other public infrastructure.

Vote: All Ayes.

5. Placing a Special Tax Measure on the November 8, 2022 Ballot to Fund Street Repairs, Sidewalk Repairs, and Traffic Safety Improvements; and Adopting the Vision 2050 Program Plan

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to fund street repairs, sidewalk repairs, and traffic safety improvements to a vote of the electors at the November 8, 2022 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.

3. Adopt a Resolution adopting the Vision 2050 Program Plan.

Financial Implications: See report

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

Action: 6 speakers. M/S/C (Arreguin/Wengraf) to take no action on Item 5.

Vote: All Ayes.

Recess 5:59 p.m. – 6:15 p.m.

Action Calendar – New Business

6. Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to tax vacant residential units to a vote of the electors at the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to accept revised materials from Vice-Mayor Harrison on Item 6.

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

Action: 45 speakers. M/S/C (Arreguin/Harrison) to continue the item to the August 3 special meeting including revised material submitted at the meeting by Vice-Mayor Harrison.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 8:56 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on July 26, 2022.

Mark Numainville, City Clerk

Communications

Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

1. Adriel Hampton

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #4 Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

2. James McGrath

Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

3. Revised material, submitted by Councilmember Harrison

4. Kelly Hammargren

5. The Berkeley Progressive Alliance

6. Sam Greenberg, on behalf of East Bay for Everyone, Telegraph for People, and Cal Berkeley Democrats

Supplemental Communications and Reports 3

Item #3: Establishing Policy for Adequate Annual General Fund Contributions for Street Maintenance to Prevent Deterioration of Pavement Condition

7. Ben Gerhardstein, on behalf of Walk Bike Berkeley

Item #4 Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

8. Presentation, submitted by Public Works

9. Vanessa Marrero

10. Anne McClintock

11. Alejandro Garcia-Paredes

12. Rie Takahashi

13. Berkeley Tenants Union

14. Ignacio Dayrit

15. Karin Wertheim

16. Summer Brenner

17. La Fan

18. Chimey Lee

19. Michael Brown

20. Shelley Pitts

Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

21. Paola Laverde

22. Tracy Parent, on behalf of the Bay Area Community Land Trust

23. Robin Rattan

24. Sylvia Chapman

25. Julia Cato

26. Gale Garcia

27. Elana Auerbach

28. Bryce Nesbitt

29. Andrea Mullarkey, on behalf of SEIU 1021

30. Sandra Fini

31. Igor Tregub

32. Martin Nicolaus

- 33. Ida Martinac
- 34. Diana Bohn
- 35. Jordan Burns

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 26, 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/89491193768>. 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: **894 9119 3768**. 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: 9:00 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Kathy Lee, Interim Director of Police Accountability, and 33-year City Employee
2. Recognition of the Excellent Work of the Independent Redistricting Commission

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

Action: M/S/C (Arreguin/Robinson) to accept revised materials from Councilmember Hahn for Item 32.

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

Councilmember Droste absent 9:31 p.m. – 10:22 p.m.

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

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

Consent Calendar

- 1. 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. 7,830-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:
BMC Section 23.202.140 (R-SMU Zoning District)
BMC Section 23.204.020 (Commercial Districts -- Allowed Land Uses)
BMC Section 23.204.030 (Additional Permit Requirements)
BMC Section 23.204.060 (C-U Zoning District)
BMC Section 23.204.130 (C-DMU District)
BMC Section 23.206.202 (Manufacturing Districts – Allowed Land Uses)
BMC Section 23.302.030 (Temporary Uses and Structures)
BMC Section 23.302.070 (Use-Specific Regulations)
BMC Section 23.404.040 (Public Notice)
BMC Section 23.502.020 (Glossary)
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,830–N.S.
- 2. 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, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, and June 28, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,457–N.S.

Consent Calendar

- 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, and June 28, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,458–N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of June 2 (special), June 13 (closed), June 14 (regular), June 21-4 p.m. (special), June 21-6 p.m. (special), June 27 (closed) and June 28 (regular).
Financial Implications: None
Contact: Mark Numainville, Commission Secretary, (510) 981-6900
Action: Approved the minutes as submitted.
- 5. Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$109,440, for fitness center memberships for City employees for the period July 1, 2022 through June 30, 2023.
Financial Implications: Payroll Deduction Trust Fund - \$109,440
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted Resolution No. 70,459–N.S.

Consent Calendar

- 6. Contract: Lehr for Emergency Response Vehicle Supplies/Equipment and Installation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into contract with Stommel Inc. dba Lehr, for emergency response vehicle supplies/equipment and installation services, with the term of the contract from August 1, 2022 to September 30, 2022 in an amount not to exceed \$350,000. The contract may be extended for up to five additional years and shall not exceed \$750,000 in total.
Financial Implications: Various Funds - \$750,000
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,460–N.S.
- 7. Mental Health Services Act (MHSA) Fiscal Year 2022-2023 Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2022-2023 Annual Update (MHSA FY23 Annual Update), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA FY23 Annual Update to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,461–N.S.
- 8. Contract No. 32200185 Amendment: Sonya Dublin Consulting to Provide Evaluation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200185 with Sonya Dublin Consulting to provide evaluation services, and any subsequent amendments or extensions, to add \$93,600 and bring the contract total to an amount not to exceed \$109,200 and extending the end date from June 30, 2022 to June 30, 2025.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,462–N.S.

Consent Calendar

9. 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. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2022 through May 31, 2023; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2022 through December 31, 2022. 2. One grant from HUD administered through the County of Alameda for \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2022 through February 28, 2023.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,463–N.S.

10. Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention

From: City Manager

Recommendation: Adopt ten Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS) and Prevention and Early Intervention (PEI); increasing the contract amounts as outlined below; totaling \$1,571,966 and extending the contracts through June 30, 2023:

1. Increasing CSS Contract No. 100042-1 with Lakehurst Hall by \$36,000 for a total contract amount not to exceed \$185,500 for Room Rental Fees for Berkeley Mental Health clients;

2. Increasing CSS Contract No. 108800-1 with Bay Area Hearing Voices Network by \$46,941 for a total contract amount not to exceed \$184,855 for hearing voices support groups;

3. Increasing CSS Contract No. 31900132 with Building Opportunities for Self-Sufficiency by \$100,000 for a total contract amount not to exceed \$400,000 for representative payee services;

4. Increasing CSS Contract No. 32200130 with Alameda County Behavioral Health Care Services by \$491,933 for a total contract amount not to exceed \$983,866 for Wellness Center operations;

5. Increasing CSS and PEI Contract No. 32000094 with Youth Spirit Artworks by \$100,000 for Transition Age Youth case management and linkage services, and \$32,046 for trauma support services. This amendment also includes \$78,000 for Tiny House Village services, which is non-MHSA funding, for a total contract amount not to exceed \$737,092;

6. Increasing PEI Contract No. 32000240 with Berkeley Unified School District by \$355,000 for a total contract amount not to exceed \$1,347,778 for services to support Berkeley students;

7. Increasing PEI Contract No. 088999-1 with Center for Independent Living by \$32,046 for a total contract amount not to exceed \$352,722 for services to support

Consent Calendar

Older Adults;

8. Increasing PEI Contract No. 052129-1 with Pacific Center for Human Growth by \$100,000 for a total contract amount not to exceed \$515,150 for services to support the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Agender, Plus (LGBTQIA+) population;

9. Increasing PEI Contract No. 32200146 with OnTrack Program Resources by \$100,000 for a total contract amount not to exceed \$175,000 for services to support African Americans; and

10. Increasing PEI Contract No. 3200111 with East Bay Sanctuary Covenant by \$100,000 for a total contract amount not to exceed \$200,000 for services to support the Latinx/Latina/Latino population.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,464–N.S. (Contract No. 100042-1), Resolution No. 70,465–N.S. (Contract No. 108800-1), Resolution No. 70,466–N.S. (Contract No. 31900132), Resolution No. 70,467–N.S. (Contract No. 32200130), Resolution No. 70,468–N.S. (Contract No. 32000094), Resolution No. 70,469–N.S. (Contract No. 32000240), Resolution No. 70,470–N.S. (Contract No. 088999-1), Resolution No. 70,471–N.S. (Contract No. 052129-1), Resolution No. 70,472–N.S. (Contract No. 32200146), and Resolution No. 70,473–N.S. (Contract No. 3200111).

11. 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 approving 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. 70,474–N.S.

12. Contract No. 32100168 Amendment: Robert Half International/Protiviti for Professional Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100168 to increase spending authority with Robert Half International/Protiviti for professional services in support of the cyber-resilience projects in the Fiscal Year (FY) 2023 using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X to increase the contract by \$312,000 for a total amount not to exceed \$552,432 through June 30, 2023.

Financial Implications: General Fund - \$312,000

Contact: Michael Sinor, Information Technology, (510) 981-6500

Action: Adopted Resolution No. 70,475–N.S.

Consent Calendar

- 13. Contract No. 7167M Amendment: Superior, LLC for AS400 Software Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167M with Superior, LLC for software maintenance and support of the City's FUNDS\$ system on the AS400 platform, increasing the contract amount by \$154,927 for a total not-to-exceed amount of \$2,549,483 from July 1, 2006 through June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$154,927
Contact: Michael Sinor, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,476–N.S.
- 14. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$350,000 through September 30, 2023.
Financial Implications: Various Funds - \$350,000
Contact: Michael Sinor, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,477–N.S.
- 15. Contract No. 047162-1 Amendment: ESI Group for the IBM Hardware and Software Lease**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 047162-1 with ESI Group for leasing, maintenance, and technical support for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$140,000, for a total not to exceed \$2,294,769 from June 2, 2003 through June 30, 2023
Financial Implications: IT Cost Allocation - \$140,000
Contact: Michael Sinor, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,478–N.S.
- 16. Donation: New Sign at Berkeley Waterfront - from Caltrans**
From: City Manager
Recommendation: Adopt a Resolution approving a donation of a new sign from Caltrans to be placed at the entrance to the Berkeley Waterfront with a value up to \$250,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,479–N.S.

Consent Calendar

- 17. Contract: AE3 Partners, Inc. for Architectural Services for the African American Holistic Resource Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a not-to-exceed \$900,000 contract with AE3 Partners, Inc. for architectural services for the African American Holistic Resource Center (AAHRC) for a contract period of August 1, 2022 through July 31, 2025.
Financial Implications: Measure IT Phase 2 Funds - \$900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,480–N.S.
- 18. Extension of Exclusive Negotiating Agreement with Innovation Properties Group for 199 Seawall Drive**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an Amended and Restated Exclusive Negotiating Agreement (ENA) with Innovation Properties Group (IPG), extending the existing ENA for 9 months with two 3-month options to work toward a long-term lease of City property at 199 Seawall Drive and short-term lease to activate a portion of the adjacent parking lot.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,481–N.S.
- 19. Approval of Funds for Electric Vehicle Charging Stations at Tuolumne Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to allocate up to \$350,000 to add electric vehicle charging stations at Tuolumne Camp.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,482–N.S.
- 20. Accept Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to accept the “Cannabis Tax Fund Grant (CTFGP)” and enter into the resultant grant agreement and any amendments to fund impaired driving detection/investigation training for officers, community educational programs and supplemental impaired driving enforcement. The tentative grant allocation is for \$112,337 for the period of July 1, 2022 through June 30, 2023.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,483–N.S.

Consent Calendar

- 21. Contract No. 32000078 Amendment DC Electric Group, Inc. for On-Call Electrical Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000078 with DC Electric Group, Inc. for on-call electrical services, increasing the current contract by \$100,000 for a total not to exceed amount of \$175,000 and extending the contract through June 30, 2025.
Financial Implications: Various Funds - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,484–N.S.
- 22. Contract No. 098713-1 (9488D) Amendment: Berry Brothers Towing for On-Call Towing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 098713-1 with Berry Brothers Towing to provide towing services for the City’s Fleet equipment and vehicles, increasing the contract amount by \$75,000 for a new not to exceed amount of \$255,000 and extending the contract end date to June 30, 2025.
Financial Implications: Equipment Maintenance Fund - \$75,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,485–N.S.
- 23. Contract No. 32000128 Amendment: Wood Environment & Infrastructure Solutions, Inc. for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000128 with Wood Environment & Infrastructure Solutions, Inc. to increase the contract for on-call environmental consulting services by \$400,000 for a new not to exceed amount of \$700,000 and extend the contract term through November 30, 2025.
Financial Implications: Various Funds - \$400,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,486–N.S.

Consent Calendar

24. **Contract No. 32100072 Amendment: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Data**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100072 with CycloMedia Technology Inc. for Geographic Information System Infrastructure asset data acquisition and ongoing data access to increase the contract amount by \$100,000 for an amount not to exceed \$287,401, adopt the use policy, and extend the contract term through December 30, 2025.
Financial Implications: Various Funds - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300, Michael Sinor, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,487–N.S.
25. **Grant Application: Highway Safety Improvement Program Cycle 11**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the California Highway Safety Improvement Program (HSIP) Cycle 11 for the following project: Protected Left-Turn Signals at multiple signalized intersections for up to \$6 million, and accept the grant if awarded, and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,488–N.S.
26. **Approval of Additional Disaster and Fire Safety Commission Meeting**
From: Disaster and Fire Safety Commission
Recommendation: Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2022.
Financial Implications: Staff time
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Adopted Resolution No. 70,489–N.S.

Council Consent Items

27. **Authorize Three Additional Meetings in 2022 for the Homeless Services Panel of Experts**
From: Mayor Arreguin (Author)
Recommendation: Authorize three additional meetings for the Homeless Services Panel of Experts for the calendar year, 2022.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

28. **Resolution Supporting the Living Wage Act of 2022**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution supporting the Living Wage Act of 2022 to increase the California state-wide minimum wage to \$18 on a gradual timeline.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 70,490–N.S.

Action Calendar – Old Business

29. **Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers** *(Continued from May 12, 2020. Item contains revised and supplemental materials)*
From: City Manager
Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.
Financial Implications: None
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Item continued to September 13, 2022. Item includes revised material in Supplemental Communications Packet #1 from Councilmember Harrison.
30. **Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report** *(Continued from June 21, 2022) (Item contains supplemental and revised material)*
From: City Manager
Recommendation: Adopt a Resolution approving the Controlled Equipment Impact Statements, Associated Equipment Use Policies and Equipment.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Consent Calendar to approve the recommendation and accept the report of the Police Accountability Board in Supplemental Communications Packet #2 approving the revised Policy 709 and determining that none of the other associated equipment policies require revision at this time.

Action Calendar – Old Business

- 31. Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76) (Continued from July 12, 2022)**
From: 4 x 4 Joint Committee on Housing City Council/Rent Board
Recommendation:
1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: See report
Contact: Matt Brown, Rent Stabilization Board, (510) 981-7368
Action: Referred to the Agenda & Rules Committee for future scheduling.
- 32. Restoring and Improving Access to City of Berkeley Website and Archival Materials (Continued from July 12, 2022)**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Direct the City Manager to:
1. Restore at previous URLs all PDF documents previously hosted on the City of Berkeley website.
2. Create a publicly accessible archival copy of the City's previous website, CityofBerkeley.info, that can be accessed without logins and via internet search engines. Include a prominent disclaimer noting the date the website, page, or document was archived, with links redirecting to the active website or other responsive resource.
3. On the new website, update Commission pages to include a minimum of 2 years of historic agendas and other materials and update City Council and Council Committee pages to include at least 3 years of complete materials.
4. By July 15, 2022 develop and make available to all City staff and to the public training at beginner to expert levels on use of the City's Records Online search function and create more extensive and less technical self-help resources covering basic and expert use.
5. In recognition of increased public traffic, update the Records Online homepage to explain how the portal works and link to more robust self-help resources and alternative search functions.
6. Coordinate with agency staff to include all relevant records (agendas, minutes, etc.) from Rent Board and Housing Authority in Records Online Portal.
7. Update any remaining 404 pages to explain that the City's website has been moved/updated, and provide links to helpful pages, search functions and/or pathways to access responsive materials. As quickly as possible, consider implementing redirects with wildcards to direct as many old links to relevant new website pages in lieu of the standard 404 page. E.g. cityofberkeley.info/planning* to the Planning Department site map/homepage, or Department Specific 404 page explaining new navigation.
Refer to the City Manager the following additional improvements to Records Online:

Action Calendar – Old Business

1. Within Records Online, provide unique archival/search categories for each City Commission, Board, Committee and Rent Board, and consider other useful categories, to assist users in narrowing results and identifying responsive materials.
2. Allow Records Online search results to be sorted by date and by other searchable factors. Consider means to integrate records online into default site search bar.
3. Explore and report back to Council options for improving the scope of Records Online, improving search options and sorting, and making all materials – or materials from January 1, 2000 (or an earlier recommended date) forward, searchable using internet search engines.

Financial Implications: Staff time

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

Action: M/S/Failed (Robinson/Harrison) to suspend the rules and extend the meeting to 11:45 p.m.

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

Action: Referred to the Agenda & Rules Committee for future scheduling.

Information Reports

33. **Sanctuary City Contracting Compliance Report for FY 2021**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
34. **LPO NOD: 2733 Buena Vista Way/#LMSAP2022-0004**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
35. **LPO NOD: 2200-block of Piedmont Avenue/#LMSAP2019-0009**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
36. **LPO NOD: 8 Greenwood Common/#LMSAP2022-0002**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
37. **LPO NOD: 2113 Kittredge Street/#LMIN2022-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Information Reports

38. **2022 Commission on Aging Work Plan**
From: Commission on Aging
Contact: Richard Castrillon, Commission Secretary, (510) 981-5190
Action: Received and filed.
39. **City Auditor Fiscal Year 2023 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on July 26, 2022.

Mark Numainville, City Clerk

Communications

Commendations of the Berkeley Police Department

1. Katherine Lee, Interim Director of Police Accountability

Berkeley Marina Area Specific Plan (BMASP) + Cesar Chavez Park

2. Susan Black
3. Helen Canin
4. Maud Engel
5. Carol Denney
6. Summer Brenner
7. Gael Alcock
8. Margaret Fouda
9. Donald Stang and Helen Wickes
10. Wini Williams
11. Paul Litsky
12. Edward Vine
13. Jamie Brown
14. Bobbi Sloan
15. Diane Mintz
16. Llyana Landes
17. Sally Nelson
18. Micky Duxbury

19. Bob Herman
20. T. Anne Richards
21. Terry Toczynski
22. Alan K
23. Jane White
24. Antonio Guzman
25. Kevin James
26. Linda Kroll and Dennis Creek
27. Tanja Schlosser
28. Kathryn Ruiz
29. Save CC (Cesar Chavez Park)
30. Tom Reilly
31. Michele Ritterman
32. Lex Morris
33. Sharran Zeleke
34. Darah Daniels
35. Carl Dellar
36. Diana Bohn
37. Marcy Darnovsky
38. Ilya Ganelin
39. Susan Tomasello
40. Charles Wilson
41. Rachel Bradley
42. Kate Greswold
43. Ernest Isaccs
44. Ginny Garrett
45. Carlos Hill
46. Tamara Birdsall
47. Robert Blomberg (2)
48. Barbara Rydlander
49. dougdohrer@
50. City Manager's Office (14)

IKE Kiosks

51. Elsa Tranter
52. Rebecca Dahlberg
53. Judith Brown
54. Judi Doyle
55. Lisa Titus
56. Vicki Sommer
57. Isabel Samaras
58. Heather Hernandez (2)
59. Betsy Bigelow-Teller
60. Karen Eisenstadt
61. Mimi Moungovan
62. Paul Jacobs

63. Nancy Lichtenstein
64. Pat Hill
65. Cece Littlepage
66. Lisa Tsering
67. Roya Arasteh
68. Carol Vertel
69. Lissa Miner
70. Joan Hart
71. Diana Damonte
72. Karen Nierlich
73. Carol Bledsoe
74. Janet Coleman
75. Maulin Chokshi
76. Mayilyn Siegel
77. Soula Culver
78. Miranda Ewell
79. Morton Cohn
80. Sally Hughes
81. Judy Dale
82. Charles Siegel
83. Josephine Gallup
84. Karen Eisenstadt
85. Bryce Nesbitt
86. David Durbin
87. Susan Taylor
88. Todd Andrew

People's Park

89. Summer Brenner
90. Shella Benevides, on behalf of Resources for Community Development

Hopkins Street Corridor

91. Stephen Alpert
92. Rachel Bradley
93. Carol Benioff
94. Ann May
95. Sally Adams

Biking and Concrete Blobs

96. Maris Arnold

High Rises Destroying Our City of Berkeley

97. Carole Gill

1201-1205 San Pablo Avenue

98. Yvette Bozzini (2)

Berkeley Federation of Teachers School Board Endorsements

99. Matty Meyer

Train Noise

100. Maria Kolakowska

101. Councilmember Kesarwani

Street Project Confusion at Prince and Dana

102. Dorothy Hale

Low Income Housing

103. Virginia Browning

104. Councilmember Harrison

Pedestrian Safety at the Intersection of Addison and Martin Luther King

105. Charles Siegel, on behalf of Walk Bike Berkeley

Crime in Berkeley

106. Dan Auten

Vacancy Tax

107. Diana Bohn

Berkeley Restaurant Inspections

108. David Lerman

Rodeway Inn Residents Trashing Neighborhood

109. Dolores Cortez

Pentagon Budget

110. Jack Kurzweil

Small Building Owners Paying for Large Developments

111. Dan Auten

Harriet Tubman Tenants Issues

112. M. Mendonca

Tenant Opportunity to Purchase Act

113. Paul Gumpel

114. Diana Bohn

115. Janice Schroeder

116. Ariana Thompson-Lastad

117. Patricia Hall

118. 21 similarly-worded form letters

Supplemental Communications and Reports 1

Item #29: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers

119. Revised material, submitted by Councilmember Harrison

Item #31: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

120. Revised material, submitted by the City Attorney's Office

121. Margery Lackman

122. Dand and Karen Williams-Null

123. Norma Harrison

124. Julieta Pisani McCarthy

125. Sharon Ptashek

126. Cris Benton

127. Jonathan Beck

128. Shua Chai

129. Suzanna Reiss-Koncar

130. Sasha Futran (2)

131. Michele Muennig

132. Sara Hartley

133. Erica Cleary

134. Marion Hunt

135. Susan Fritz

136. Jean Mudge

137. Lilana Spindler

138. Rosina Keren

139. Toni Mester

Item #32: Restoring and Improving Access to City of Berkeley Website and Archival Materials

140. David Lerman

141. Anne M.

Supplemental Communications and Reports 2

Item #17 Contract: AE3 Partners, Inc. for Architectural Services for the African American Holistic Resource Center

142. Eric Friedman

Item #30: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

143. Supplemental material, submitted by the Police Accountability Board

Item #31: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

144. Lilana Spindler

145. Keith Nickolaus

146. Lisa Handwerker
147. Tobey M. Wiebe
148. Judy MacLean
149. Marguerite Talley
150. Sam Greenberg, on behalf of East Bay for Everyone, Telegraph for People, and Cal Berkeley Democrats
151. Sandra Smith
152. Lauren Schiller
153. Laura Webb
154. Chris Gilbert
155. Erica Cleary
156. Alison Simon
157. Chris Chen
158. Martha Kariv
159. Debbie Woods
160. Bryce Nesbitt
161. Daniel Frydman (2)
162. Rie Takahashi
163. Janice Schroeder
164. Elana Auerbach
165. Negeene Mosaed
166. Diana Bohn
167. Terri Saul
168. Anne Smith
169. May Kandarian
170. Julia Cato
171. Kate Harrison
172. Rachel Bradley
173. G Mathias Kondolf
174. Jeanne Clinton

Supplemental Communications and Reports 3

Item #17 Contract: AE3 Partners, Inc. for Architectural Services for the African American Holistic Resource Center

175. Toni Mester

Item #31: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

176. Paola Laverde
177. Julio Cato (2)
178. Sandy Hrdlicka
179. Suzanne Joi
180. Kathleen Lee Verani
181. Vanessa Marrero
182. Charlie Benton
183. James Furuichi

184. Jesus Mejia
185. Claudia Benton
186. Scott Curtin
187. Martine Glaros
188. Ayden Winter
189. Jo Ann Driscoll
190. Margery Lackman
191. Vivian Yu
192. Roger Hallsten
193. Ana Perches Perez
194. Ocea Savage
195. Alison Lingo
196. Chana Kronfeld
197. Anne Smith
198. Dobee Snowber
199. Vivian Yu
200. Andy DeGiovanni
201. Yvonne Weiss
202. Arthur Corelli
203. Berkeley Tenants Union
204. Karen Gosling
205. Carole Pertofsky
206. Sarah Baughn
207. Mary Richerson
208. Ira Serkes
209. Yvonne Burgress
210. Andrea Mullarkely, on behalf of SEIU 1021
211. James Corr
212. Julieta Pisani McCarthy
213. Caroline Woods-Mejia
214. Beth Auclair
215. Mary West
216. Sandra Fini
217. Michael Frantz
218. Dana Gerstein
219. H. DeMarco
220. Devyani Jain and Tanu Sankalia
221. Deborah Machta
222. Dana Perls
223. Jacqueline Zeigler
224. Erin Chalmers
225. Ellen Kramer
226. Fentress Hill
227. Keith Nickolaus
228. Crystal Brunzell
229. Steven Lipson

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

**Wednesday, August 3, 2022
9:00 AM**

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/81806496183>. 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: **818 0649 6183**. 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: 9:07 a.m.

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

Absent: Droste

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

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

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

- 1. Additional Allocation of Measure P Funding to “Step Up Housing” Project From: Councilmember Bartlett (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

Recommendation: Adopt a Resolution allocating an additional \$114,660 per year for 10 years, from Measure P transfer tax receipts to support the increased costs for the lease and operation of a new permanent supportive housing project for the unhoused at the Step-Up Housing Project at 1367 University Avenue. In addition, refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding.

Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: 1) Referred to the Budget & Finance Committee to consider future General Fund needs for this project and confirm availability of funds for the operating budget.

2) Adopted Resolution No. 70,491–N.S. with an amended first Resolved clause as written below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following be approved for the StepUp Housing at 1367 University Ave:

- A reservation of approximately an additional \$114,660 year in ongoing funds annually for 10 years for the leasing and operation of the proposed project, with funding adjusted annually based on the Consumer Price Index for Oakland-Hayward-Berkeley, CA.*
- Funding may be from Measure P and/or the General Fund*
- In the event BOSS is unable to perform its function as the service provider, an alternative qualified service provider may operate the project with the review and approval of the City Manager, or her designee.*
- Further, the City’s commitment is contingent upon the funding of the balance of the project.*
- Owner agrees to grant the City option to buy property after one year, at a cost not to exceed \$15,000,000 should Boss choose not to exercise its option.*

Action Calendar

2. **Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements** (*Continued from July 26, 2022*) (*Item contains revised material*)

From: City Manager

Recommendation:

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of either \$600 million or \$650 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 26 speakers. M/S/C (Arreguin/Kesarwani) to:

1. Adopt Resolution No. 70,492–N.S. as submitted by the Mayor in Supplemental Communications Packet #2, and as further amended below, determining public interest and necessity for issuing a general obligation bond in the amount of \$650 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.

- Amended to add language in section B.2. of the third resolved clause regarding funds for traffic safety.
- Amended the ballot question to read as written below.

Shall the measure to create affordable housing; repair streets and sidewalks; underground utilities; and enhance buildings, infrastructure, and safety, authorizing the issuance of \$650 million in general obligation bonds, subject to independent oversight and audits, be adopted?

Financial Implications

Median annual cost over the projected 48-year period bonds are outstanding is approximately \$40.91 for every \$100,000 or \$265 for the average assessed home value of \$647,000; raising approximately \$25,000,000/year.

- Amended to add clarification of the “mean” cost in the Tax Rate Statement and make other corresponding changes to the Tax Rate Statement text.

2. Designate Mayor Arreguin and Councilmembers Hahn, Wengraf, and Kesarwani to file ballot measure arguments on behalf of the City Council on this measure.

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

Recess 12:06 p.m. – 12:22 p.m.

Action Calendar

3. Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units *(Continued from July 26, 2022) (Item contains revised material)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to tax vacant residential units to a vote of the electors at the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Action: 37 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt Resolution No. 70,493–N.S. as revised in the agenda packet materials from Vice-Mayor Harrison and further amended at the meeting in Sections 7.54.060, 7.54.050, 7.54.070, 7.54.040 paragraphs F and I, and amending the ballot question to read as noted below.

Shall the measure to tax property owners who keep residential units vacant more than 182 days per year, \$3,000 for each nonexempt condominium, duplex, single family dwelling, or townhouse vacant unit in the first year, increasing to \$6,000 for each subsequent year, and \$6,000 for all other residential units vacant in the first year, increasing to \$12,000 for each subsequent year, with exceptions, from January 1, 2024 to December 31, 2034, generating between \$3,900,000 and \$5,900,000 annually, be adopted?

2. Designate Vice-Mayor Harrison and Councilmember Robinson to file ballot measure arguments on behalf of the City Council on this measure.

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

Recess 2:27 p.m. – 2:43 p.m.

Action Calendar

4. **Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)** *(Item contains revised material)*

From: 4 x 4 Joint Committee on Housing City Council/Rent Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

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

Recess 4:46 p.m. – 4:52 p.m.

Action: 44 speakers. M/S/C (Harrison/Bartlett) to include #3 from the Rent Board proposal regarding suspension of rent control in the ballot measure.

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

Councilmember Hahn absent 2:27 p.m. – 5:09 p.m.

Action: M/S/Failed (Harrison/Bartlett) to include #1 from the Rent Board proposal regarding newly constructed units in the ballot measure.

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

Action: M/S/Carried (Taplin/Kesarwani) to take no action on Agenda Item 4.

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

Adjournment

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

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

Adjourned at 5:09 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on August 3, 2022.

Mark Numainville, City Clerk

Communications

Item #3. Placing a General Tax Measure on the November 8, 200 Ballot to Tax Vacant Residential Units

1. Barbara Gilbert
2. Lynnda Ohama
3. Harvey Sharp
4. Jim Furuichi
5. Adriel Hampton
6. Carole Marasovic

Item #4. Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

7. Elaine Bloom
8. Michael O’Heaney

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

9. Supplemental material, submitted by councilmember Taplin
10. Revised material, submitted by Finance
11. Supplemental material, submitted by Mayor Arreguin

Item #3: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

12. Barbara Gilbert
13. Berkeley Tenants Union
14. Walter Wood
15. Rie Takahashi
16. Toni Mester
17. Michael Brown
18. Sydney Ji
19. Karin Wertheim
20. May Kandarian

Item #4: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

21. Sanders Political Law
22. Barbara Gilbert
23. Gail Martin
24. Berkeley Tenants Union
25. Toni Mester
26. Francie Maguire
27. Erica Cleary

Supplemental Communications and Reports 3

Item #2: Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

- 28. Geoff Lomax (3)
- 29. Henry Oyekanmi
- 30. Tom Lent
- 31. Eric Friedman
- 32. Isabelle Gaston
- 33. Derethia DuVal
- 34. Thomas Luce
- 35. Josh Buswell-Charkow
- 36. Barbara Gilbert

Item #3: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

- 37. Warren Pottebaum
- 38. Jack Kurzweil, on behalf of the Wellstone Democratic Renewal Club
- 39. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats
- 40. Chimey Lee
- 41. Igor Tregub, on behalf of the Alameda County Democratic Party
- 42. Barbara Gilbert (2)

Item #4: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

- 43. Jo Ann Driscoll
- 44. Keith Nickolaus
- 45. Bryce Nesbitt
- 46. Scott Curtin (2)
- 47. Daniel Frydman
- 48. Dawn Thomas
- 49. Sarah Valor
- 50. Cheryl Newbrough
- 51. Erin Chambers
- 52. Shua Chai
- 53. Keith Nickolaus
- 54. Barbara Gilbert (2)
- 55. Councilmember Harrison