



Office of the City Manager

CONSENT CALENDAR  
January 17, 2023

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 November 3 (regular), November 14 (closed), November 15 (special and regular), November 21 (special), November 28 (closed), November 29 (regular), December 6 (regular), December 12 (closed), and December 13, 2022 (special and regular)

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. November 3, 2022 – Regular Council Meeting
2. November 14, 2022 – Special Closed Council Meeting
3. November 15, 2022 – Special Council Meeting
4. November 15, 2022 – Regular Council Meeting
5. November 21, 2022 – Special Council Meeting
6. November 28, 2022 – Special Closed Council Meeting
7. November 29, 2022 – Regular Council Meeting
8. December 6, 2022 – Regular Council Meeting
9. December 12, 2022 – Special Closed Council Meeting
10. December 13, 2022 – Special Council Meeting
11. December 13, 2022 – Regular Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Thursday, November 3, 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](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/84033716377>. 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: **840 3371 6377**. 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](mailto:council@cityofberkeley.info).*

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

## Preliminary Matters

**Roll Call:** 6:04 p.m.

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

**Absent:** Taplin

Councilmember Taplin present at 6:13 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of the Acacia Neighborhood as Berkeley's First Firewise USA Site
2. Adjourned in Memory of William Evans, Berkeley Resident

### City Auditor Comments:

The City Auditor noted the reports on the agenda for the audit update statuses.

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 8 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement**  
**From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,837-N.S. Amending Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted second reading of Ordinance No. 7,837–N.S.
- 2. Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades**  
**From: City Manager**  
**Recommendation:** Adopt second reading Ordinance No. 7,838-N.S., Zoning Ordinance amendments to provide consistency for the incidental use of Amusement Devices and regulate Amusement Device Arcades as Commercial Recreation Centers.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,838–N.S.
- 3. 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, June 28, 2022, July 26, 2022, and September 20, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,565–N.S.

## Consent Calendar

- 4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, and October 11, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,566–N.S.
- 5. 2022 Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Review and accept the 2022 annual commission attendance and meeting frequency report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved recommendation.
- 6. Contract No. 32200039 Amendment: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200039 with Townsend Public Affairs, Inc., for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$72,000, for an amount not-to-exceed \$117,000, and extending the contract from December 31, 2022 to December 31, 2023.  
**Financial Implications:** General Fund - \$72,000  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,567–N.S.

## Consent Calendar

- 7. Contract No. 32100186 Amendment: Mildred Howard Public Art Commission for Adeline Street and Martin Luther King Jr. Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100186 with artist Mildred Howard in order to increase the size of the public art commission “Untitled” to 11’ tall as directed by the Civic Arts Commission. The art work is slated to be installed in the triangular green space on the northern side of the intersection of Adeline Street and Martin Luther King Jr. Way. The artwork budget is to increase by \$144,000 for a total contract amount not to exceed \$354,000.  
**Financial Implications:** Cultural Trust Fund - \$144,000  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,568–N.S.
- 8. Renewal of the Solano Avenue BID for Calendar Year 2023**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board’s (hereafter “Solano BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2022 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2023; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2023; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 29, 2022.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,569–N.S.
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 3, 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 - \$75,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 10. Contract: Restoration Family Counseling Center for Counseling, Education and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Restoration Family Counseling Center Inc. (RFCC) for counseling, education and support, for a total amount not to exceed \$80,000 from December 1, 2022 through November 30, 2024.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,570–N.S.
- 11. Contract No. 32200227 Amendment: Fire Aside for Mobile Vegetation Management Inspection Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200227 Mobile Vegetation Management Inspection Software for the Fire Department (Department); increasing the contract amount by \$100,000 for an amended total contract amount not to exceed \$260,000.  
**Financial Implications:** See Report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,571–N.S.
- 12. Contract No. 32200083 Amendment: Ganey Scientific for Project Management & Consulting**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200083 project management and consulting services for the Fire Department (Department); increasing the contract amount by \$500,000 for an amended total contract amount not to exceed \$1.4 million.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,572–N.S.
- 13. Purchase Order: Bauer Compressors Inc. for Self-Contained Breathing Apparatus and Related Accessories**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Bauer Compressors Inc. using the General Services Agency's (GSA) contract No. EE08-19 for an amount not to exceed \$1.7 million through July 31, 2023 for the purchase of self-contained breathing apparatus (SCBA) and related accessories.  
**Financial Implications:** UC Settlement Fund - \$1.7 million  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,573–N.S.

## Consent Calendar

### 14. Revenue Contracts: Fiscal Year 2023 Aging Services Programs

#### From: City Manager

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2023 (FY 2023):

- a. Congregate Meals in the amount of \$40,000;
- b. Home Delivered Meals in the amount of \$84,000;
- c. Family Caregiver Support Program in the amount of \$41,383;
- d. Senior Center Activities in the amount of \$30,000; and
- e. Information and Assistance Services in the amount of \$100,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,574–N.S. (Congregate Meals); Resolution No. 70,575–N.S. (Home Delivered Meals); Resolution No. 70,576–N.S. (Family Caregiver Support); Resolution No. 70,577–N.S. (Senior Center Activities); and Resolution No. 70,578–N.S. (Information and Assistance).

### 15. Contract No. 32000240 Amendment: Berkeley Unified School District (BUSD) for Mental Health MHSA-Funded Programs

#### From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2023 in an amount not to exceed \$1,394,167. This amendment will add \$401,389 in funding to the contract in order to continue three mental health programs for an additional year and add a fourth for the same time period.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,579–N.S.

### 16. Greater Bay Area Regional Partnership Workforce, Education and Training Grant – California Mental Health Services Authority

#### From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter into a Participation Agreement and any amendments with the California Mental Health Services Authority (CalMHSA) for the Greater Bay Area (GBA) Regional Partnership Workforce, Education and Training (WET) Grant, and to allocate local Mental Health Services Act (MHSA) funds in an amount not to exceed \$42,609, through June 30, 2025.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,580–N.S.



## Consent Calendar

- 17. Fiscal Year 2023 Meals on Wheels of Alameda County Donations for the Berkeley Meals on Wheels Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting donations, totaling approximately \$175,000, for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2023 (FY 2023).  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,581–N.S.
- 18. Contract: Robert Half International/Protiviti for Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Robert Half International/Protiviti for professional services in support of the following City Departments: Fire (Administration, Prevention, Wildland Urban Interface, Emergency Medical Services and Training), Human Resources, and Information Technology in the Fiscal Year (FY) 2023 using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an annual increase not to exceed \$750,000 through June 30, 2023.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,582–N.S.
- 19. Contract No. 32000281 Amendment: ConvergeOne for on-site Avaya Administration, Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners), for Avaya on-site administration and maintenance, increasing the amount by \$165,000 for a total not to exceed amount of \$892,821, from July 1, 2020 to June 30, 2024.  
**Financial Implications:** IT Cost Allocation Fund - \$165,000  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,583–N.S.
- 20. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$50,000, for a total not-to-exceed amount of \$299,500 through December 31, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$50,000  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,584–N.S.

## Consent Calendar

- 21. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code**  
**From: City Manager**  
**Recommendation:**  
1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; and schedule a Public Hearing for the second reading on November 29, 2022 pursuant to state law; and  
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2022 California Building Standards Code, and rescinding Resolution No. 69,170-N.S.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 1. Adopted first reading of Ordinance No. 7,839–N.S. Second reading scheduled for November 29, 2022. 2. Adopted Resolution No. 70,585–N.S.
- 22. Re-enactment of the Berkeley Housing Code; Repealing Chapter 12.48 and Repealing and Re-enacting Chapter 19.40**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapter 12.48 (Residential Rental Housing Safety Program), and repealing and re-enacting BMC 19.40 (Berkeley Housing Code), incorporating BMC Chapter 12.48 into BMC Chapter 19.40; and schedule a Public Hearing for the second reading on November 29, 2022, pursuant to state law.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,840–N.S. Second reading scheduled for November 29, 2022.
- 23. Revenue Grant Contract: Fiscal Year 2022-23 Alcoholic Beverage Control Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager and/or Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$72,449 for one fiscal year, July 1, 2022 through June 30, 2023.  
**Financial Implications:** Alcoholic Beverage Control Fund - \$72,449 (grant)  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,586–N.S.

## Consent Calendar

- 24. Reappointment of Andrea Prichett and Edward Opton to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the re-appoint Andrea Prichett to the Mental Health Commission, as representative of the general public interest category, for a second- three-year term beginning November 4, 2022 and ending November 3, 2025. And re-appoint Edward Opton as a representative of the general public interest category, for his first term ending January 21, 2023 and his second-term beginning January 22, 2023 to January 21, 2026.  
**Financial Implications:** None  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 70,587–N.S.  
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Robinson, Droste, Arreguin; Noes – None; Abstain – Hahn, Wengraf.

## Council Consent Items

- 25. Referral to Conduct an Automatic Traffic Calming Review for the Area Immediately Surrounding the Project at 1201-1205 San Pablo Avenue**  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Refer to the City Manager to conduct an automatic traffic calming review for the area immediately surrounding the streets of the project located at 1201-1205 San Pablo Avenue within six (6) months of the building's occupancy reaching 90 percent of its capacity with the intent of expediting the traffic calming process for neighbors impacted by the development of this project. The traffic calming review should include the following intersections: Gilman and Kains; Gilman and Stannage; Harrison and San Pablo; Harrison and Kains; Harrison and Stannage.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

- 26. Budget Referral: Down Payment Assistance (DPA) and Closing Cost Assistance Revolving Loan Fund Pilot**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the budget process \$500,000 for a local Down Payment Assistance (DPA) and Closing Cost Assistance Revolving Loan Fund Pilot Program, providing third-lien shared appreciation loans (SALs) to cover down payments and closing costs for qualifying applicants in a racial equity and reparative justice framework consistent with regulations for local, state, federal, and nonprofit DPA programs including, but not limited to: California Dream For All (CalHFA), AC Boost (Alameda County), Community Seconds (Fannie Mae), and Black Wealth Builders Fund. The City should aim spend no more than 10-20% on administrative costs if existing resources are insufficient.  
**Financial Implications:** See report  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

- 27. Budget Referral: No Right on Red Signs**  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** That the City Council refers to the City Manager the implementation of "No Right on Red" signs to all intersections with traffic lights. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.  
**Financial Implications:** See report  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Mayor Arreguin and Councilmember Robinson added as cosponsors. Approved recommendation as revised below.

*Refer to the City Manager to develop policy recommendations for council consideration that would expand limitations on "right turns on red" for the purposes of pedestrian safety. Staff should consider prohibiting right turns on red in commercial districts, on high-injury corridors, and/or citywide. Staff should engage the Transportation & Infrastructure Commission for feedback and review of possible recommendations. Staff is also requested to coordinate with AC Transit regarding impacts on transit services. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.*

- 28. Budget Referral: Commitment to La Peña Cultural Center**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the AAO#1 Budget Process \$150,000 to support the recovery and renovations of La Peña Cultural Center, a cultural hub and historic community building space within the city of Berkeley.  
**Financial Implications:** See report  
 Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Vice-Mayor Harrison added as a co-sponsor. Approved recommendation.

## Council Consent Items

29. **Budget Referral: Commitment to the Completion of Affordable Housing at 1638 Stuart Street**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the AAO#1 Budget Process \$50,000 to support the Completion of Affordable Housing at 1638 Stuart Street so it can complete exterior renovations and continue to provide eight units of permanently affordable housing for households earning less than 80% of area median income.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Approved recommendation.
30. **Resolution and Referral Supporting Local Implementation of SB 379: Online Instant Solar Permitting Process For Residential Solar And Solar-Plus-Storage Energy Systems**  
**From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:**  
1. Adopt Resolution supporting local implementation of SB 379 requiring cities to adopt online instant solar permitting process for residential solar and solar-plus-storage energy systems; and  
2. Refer to the City Manager and Planning Department, consistent with SB 379 and climate goals, to explore and move swiftly to apply for applicable grants and implement automated solar permitting platforms to reduce permit review time for solar energy and battery storage systems.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Bartlett added as a co-sponsor. 1. Adopted Resolution No. 70,588–N.S. 2. Approved recommendation.

## Action Calendar

31. **Harriet Tubman Terrace Tenant Support** *(Continued from October 11, 2022)*  
**From: Housing Advisory Commission**  
**Recommendation:** Recommend City Council take the following actions:  
-Review the video created by tenants about conditions at Harriet Tubman Terrace that was shown at the July 7, 2022 Housing Advisory Commission meeting;  
-Direct the City Manager to investigate health and safety violations and other grievances identified by tenants at Harriet Tubman Terrace; and  
-City Council request Harriet Tubman Terrace provide tenants with a dedicated tenant advocate to assist with relocation and other needs.  
**Financial Implications:** See report  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400  
**Action:** 10 speakers. M/S/C (Bartlett/Arreguin) to approve the recommendation of the Housing Advisory Commission and include a budget referral of up to \$100,000 to fund a tenant advocate position for Harriet Tubman Terrace. Further request that the City Manager develop a role for a larger position for general tenant advocacy.  
**Vote:** All Ayes.

Recess 8:31 p.m. – 8:42 p.m.

32. **Resolution Accepting the Annual Surveillance Technology Reports for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's) and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.  
**Financial Implications:** None  
Contact: Jennifer Louis, Police, (510) 981-5900; Liam Garland, Public Works, (510) 981-6300; LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 70,589–N.S. with a revision to the Exhibit to correct the number of drone use instances from three to two to reflect new information that a drone was not deployed by Albany Police into the City of Berkeley during the Solano Stroll event.

## Action Calendar – Public Hearings

33. **ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095** *(Continued from October 11, 2022)*

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** M/S/C (Arreguin/Hahn) to continue the public hearings for the ZAB Appeal for 2018 Blake Street and the ZAB Appeal for 1643-1647 California Street to November 15, 2022.

**Vote:** All Ayes.

34. **ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

**Financial Implications:** None

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

**Action:** See action for Item 33.

## Action Calendar

- 35. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**  
*(Continued from October 11, 2022) (Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item contains revised material)*
- From: Commission on Labor**
- Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.
- Financial Implications:** See report
- Contact: Margot Ernst, Commission Secretary, (510) 981-5400
- Action:** M/S/C (Arreguin/Harrison) to accept supplemental materials from Councilmember Wengraf for Item 35.
- Vote:** All Ayes.
- Action:** M/S/C (Hahn/Harrison) to suspend the rules and extend the meeting to 11:45 p.m.
- Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent - Robinson.
- Action:** M/S/Failed (Arreguin/Harrison) to suspend the rules and extend the meeting to 12:00 a.m.
- Vote:** Ayes – Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Taplin, Wengraf, Droste; Abstain – None; Absent – None.
- Action:** M/S/Carried (Arreguin/Harrison) to call for the previous question.
- Vote:** Ayes – Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Taplin, Wengraf; Abstain – None; Absent – Kesarwani.
- Action:** 25 speakers. Meeting adjourned at 11:45 p.m.



## Action Calendar

- 36. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.  
*Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.*  
**Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400  
**Action:** Moved to Consent Calendar. Referred to the Budget & Finance Committee for review.

## Information Reports

- 37. Fiscal Year (FY) 2023 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Received and filed.
- 38. Fire Prevention Inspections Audit Status Report**  
**From: City Manager**  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Received and filed.
- 39. Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees**  
**From: City Manager**  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Received and filed.
- 40. LPO NOD: 2065 Kittredge Street/#LMSAP2021-0004**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

## Information Reports

- 41. Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 42. Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 43. Audit Status Report – Lease Audit: Conflicting Directives Hinder Contract Oversight**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Received and filed.
- 44. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 45. Audit Recommendation Status -Data Analysis of the City of Berkeley's Police Response**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Received and filed.
- 46. Audit Recommendation Status - 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Received and filed.

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

## Adjournment

Adjourned at 11:45 p.m.

## Communications

### Item #31: Harriet Tubman Terrance Tenant Support

1. Darinxoso Oyamasela
2. Elaine Bloom

### Item #34: ZAB Appeal: 1643-1647 California Street, Use Permit: #ZP2021-0001

3. Sunny Grewal, on behalf of studio g+s Architects

### Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102

4. Francisco De Sena

### Measure L

5. Joel Libove
6. Finance Department

### Crime

7. David Lerman (3)
8. Terrence Regan
9. Barbara Gilbert
10. Brian Edquist
11. Bryce Nesbit

### Pedestrian Safety

12. David Lerman
13. Naren Dev

### SPARK RV Site

14. Diana Bohn (2)

### Parking and Traffic Issues

15. Barbara Gilbert

### IKE Kiosks

16. Cielo Rios, on behalf of Emerson Elementary (2)
17. Jeffrey Church
18. Kieron Slaughter, Chief Strategist, Economic Innovation

### Residential Zoning Changes

19. Bruce Feingold

### 1201-1205 San Pablo Development

20. Yvette Bozzini (2)

**Codornices Creek Issue – Homeless Disturbed People**

- 21. Friends of Five Creeks (2)
- 22. Thomas Williams
- 23. Brian Beall

**Thoughts of Global Safety and People’s Park**

- 24. Peter Bruce DuMont

**Scooters on Sidewalks**

- 25. Kathleen Krier

**Adeline Redesign**

- 26. Scott Owades
- 27. Igor Tregub
- 28. Teresa Clarke
- 29. John Givens
- 30. Pablo Diaz-Gutierrez
- 31. Aaron Foxworthy

**Parking Rates at City Garages**

- 32. Zipporah Collins

**Finn Hall**

- 33. Phil Allen

**Urban Heat Island, Dark Surfaces, Extreme Heat Events**

- 34. Kelly Hammargren

**City Clean Up Idea**

- 35. Crystal Ngo

**Chinese Berkeleyans and Civic Center Park**

- 36. Richard Schwartz

**Unable to Pay Rent**

- 37. Kenneth Melson

**Okinawa Requesting Support**

- 38. Diana Bohn

**Hopkins Corridor**

- 39. Alan Jencks
- 40. Dorothea Dorenz
- 41. Lauren Moore
- 42. Mary Lai

**Berkeley Housing Element Draft Environmental Impact Report**

- 43. Adolfo Cabral
- 44. Walter Wood

**Day to Night Festival Noise Complaint**

- 45. Heather Way
- 46. Kelly Zito
- 47. Cressy

**People's Park**

- 48. Chrissy Hoffman
- 49. Max Ventura

**Downtown Parking**

- 50. Kenneth Stein

**Supplemental Communications and Reports 1**

**Item #18: Contract: Robert Half International/Protiviti for Professional Services**

- 51. Russell Cowan

**Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095**

- 52. Supplemental material, submitted by Planning and Development

**Item #34: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

- 53. Adam Safir

**Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

- 54. Gail Silvan

**Supplemental Communications and Reports 2**

**Item #22: Re-enactment of the Berkeley Housing Code; Repealing Chapter 12.48 and Repealing and Re-enacting Chapter 19.40**

- 55. Housing Advisory Commission

**Item #30: Resolution and Referral Supporting Local Implementation of SB 379: Online Instant Solar Permitting Process For Residential Solar and Solar-Plus-Storage Energy Systems**

- 56. Igor Tregub, on behalf of California Solar & Storage Association

**Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095**

- 57. Alison Huetter

**Item #34: ZAB Appeal: 1643-1647 California Street, Use Permanent #ZP2021-0001**

- 58. Minh Tsai
- 59. Adam Safir

**Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

- 60. Revised material, submitted by Councilmember Harrison

- 61. Ryan Allain, on behalf of the California Retailers Association
- 62. Zipporah Collins
- 63. Andrea Mullarkey, on behalf of SEIU 1021, et al (2)
- 64. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats, et al
- 65. Alan Bern

### **Supplemental Communications and Reports 3**

#### **Item #27: Budget Referral: No Right on Red Signs**

- 66. Isabelle Gaston (2)

#### **Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095**

- 67. Toni Mester

#### **Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

- 68. Supplemental material, submitted by Councilmember Wengraf
- 69. Margaret Pritt
- 70. Diana Bohn
- 71. Elizabeth Ferguson
- 72. Andrea Mullarkey, on behalf of SEIU 1021 (2)
- 73. Matt Sutton, on behalf of the California Restaurant Association
- 74. Igor Tregub, on behalf of the Sierra Club
- 75. Barbara Gilbert
- 76. Doug Jones
- 77. Soumaya Lhamous
- 78. XiLin Choi
- 79. Sharanya Sahu
- 80. Theo Wyss-Flamm
- 81. 29 similarly-worded form letters

**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**MONDAY, NOVEMBER 14, 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.*

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## Preliminary Matters

**Roll Call:** 4:33 p.m.

**Present:** Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Taplin, Bartlett, Harrison

Councilmember Taplin arrived at 4:39 pm.

Councilmember Bartlett arrived at 4:40 pm.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

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

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

- a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

**Action:** No reportable action taken.

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

- a. Significant exposure to litigation pursuant to Section 54956.9(d)(3): One (1) case. See attached letter from the City Attorney regarding the threat of litigation as required by *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360 (2020).

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 6:00 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 14, 2022 as approved by the Berkeley City Council.

---

Sarah K. Bunting, Assistant City Clerk



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

**Tuesday, November 15, 2022  
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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## Preliminary Matters

**Roll Call:** 4:05 p.m.

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

**Absent:** Bartlett, Hahn

Councilmember Hahn present at 4:08 p.m.

Councilmember Bartlett present at 4:11 p.m.

## Worksession

- 1. Referral Response: Amnesty Program for Unpermitted Dwelling Units**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 2 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:37 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: Referral Response: Amnesty Program for Unpermitted Dwelling Units**

1. Kelly Hammargren

## Supplemental Communications and Reports 3

**Item #1: Referral Response: Amnesty Program for Unpermitted Dwelling Units**

2. Presentation, submitted by Planning and Development

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 15, 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

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## Preliminary Matters

**Roll Call:** 6:05 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Taplin

Councilmember Kesarwani present at 6:06 p.m.

Councilmember Taplin present at 6:06 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

## Ceremonial Matters:

1. Recognition of the Alameda County Healthy Homes Department receiving the U.S. Department of Housing and Urban Development (HUD) 2022 Secretary Award
2. Recognition of and Adjourned in Memory of Barbara Ann White, Social Justice Advocate, and former Employee with the Department of Health, Housing, and Community Services in the Mental Health Division

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Taplin) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Budget Referral: Berkeley Junior Jackets Field Use Expenses.

**Vote:** All Ayes.

## Consent Calendar

**Action:** M/S/C (Arreguin/Droste) to accept revised material from the Fire Department on Item 23.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 30 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

**Urgent Item: Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions**

**From:** Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

**Recommendation:** Adopt a Resolution in support of UAW 2865, UAW 5810, and SRU-UAW's ongoing contract negotiations and strike actions at UC Berkeley and across all UC campuses, and send a letter of support to UC President Michael Drake and Provost Michael Brown.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Adopted Resolution No. 70,590–N.S.

**Urgent Item: Budget Referral: Berkeley Junior Jackets Field Use Expenses**

**From:** Councilmember Taplin (Author)

**Recommendation:** That the City Council refers \$6000 to the November Annual Appropriations Ordinance to provide Berkeley Junior Jackets' the necessary funds to cover expenses associated with the use of Berkeley Unified School District facilities in the operation of their youth sports program.

**Financial Implications:** None

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

**Action:** Councilmembers Bartlett and Harrison added as co-sponsors. Approved recommendation.

### 1. Minutes for Approval

**From:** City Manager

**Recommendation:** Approve the minutes for the Council meetings of September 6 (closed), September 13 (special and regular), September 19 (closed), September 20 (closed, special and regular), September 29 (closed and regular), October 11 (special and regular), October 20 (closed), and October 28 (closed).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

## Consent Calendar

**2. Appointment of the Chief of Police**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of Jennifer Louis as the Chief of Police to be effective November 27, 2022 at an annual salary of \$256,125.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Moved to Action Calendar. Item 2 removed from the agenda by the City Manager.

**3. Renewal of the Elmwood Avenue BID for Calendar Year 2023**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2022 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2023; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2023 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 6, 2022.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,591–N.S. with revisions to the first paragraph of Section 6 to include the option for in-person participation at the public hearing on December 6, 2022.

**4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 15, 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 - \$11,384,039

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

**Action:** Approved recommendation.

**5. Contract: Station Automation Inc., DBA PSTrax for Real-time, Paperless Check-off and Asset Management Software**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Station Automation Inc., DBA PSTrax for real-time, paperless check-off and asset management software, for a total amount not to exceed \$125,000.

**Financial Implications:** Measure Q Fund - \$125,000

Contact: David Sprague, Fire, (510) 981-3473

**Action:** Adopted Resolution No. 70,592–N.S.

## Consent Calendar

6. **Contract No. 32000116 Amendment Genasys, Inc. for Outdoor Warning System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000116 with Genasys, Inc. for Outdoor Warning System, increasing the amount by \$200,000 for a total not to exceed amount of \$2,174,457.  
**Financial Implications:** Measure FF Public Safety - \$200,000  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,593–N.S.
7. **Contract: Harold Dichoso for Providing Temporary Consulting Services for the Health, Housing, and Community Services (HHCS) Department.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Harold Dichoso for providing consulting services to the Department of Health, Housing, and Community Services Office of the Director related to the Health Justice Internship Program for a term of 8 months. The total not-to-exceed contract amount is \$90,000.  
**Financial Implications:** Bioterrorism Grant Fund - \$90,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,594–N.S.
8. **Measure P: Contract No. 31900273 Amendment- Bay Area Community Services (BACS) North County Housing Resource Center – Shallow Subsidy Program and Contract No. 32200051 Amendment: WeHOPE for Mobile Showers and Laundry Services**  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900273 with Bay Area Community Services (BACS) to amend the scope of work to shift up to \$637,550 in unspent funds from the Measure P General Fund - funded Shallow Subsidy Program to a Flexible Funding Pool Program.  
2. Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200051 with WeHOPE to add \$127,380 for an amount not to exceed \$375,667 to provide mobile shower and laundry services through June 30, 2023.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,595–N.S. (BACS), and Resolution No. 70,596–N.S. (WeHOPE).

## Consent Calendar

**9. New Classification Deputy City Attorney IV**

**From: City Manager**

**Recommendation:** Adopt a Resolution to expand the Deputy City Attorney series by establishing the Deputy City Attorney IV classification with a monthly stepped salary range of \$15,936.37 - \$19,593.60 effective November 15, 2022.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,597–N.S.

**10. Amendments to On-Call Waterfront Engineering, Design, Environmental Permitting and Construction Administration Services Contract No. 32000261 with COWI North America, Inc, and Contract No. 32000263 with Transystems Corporation**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32000261 with COWI North America, Inc., and Contract No. 32000263 with Transystems Corporation, for on-call waterfront engineering, design, environmental permitting and construction administration services by increasing the contract amount by \$1,000,000 and the duration by twelve months each, from June 30, 2023 through June 30, 2024, to a total not-to-exceed amount of \$2,000,000 each.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,598–N.S. (COWI North America) and Resolution No. 70,599–N.S. (Transystems Corporation).

**11. Contract Awards: Sharjo, Inc. dba ServiceMaster Recovery Management and Belfor USA Group, Inc. for on-call Emergency Restoration, Mitigation and Remediation Services**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager or designee to execute the following contracts for on-call emergency restoration, mitigation and remediation services, each for a period of December 1, 2022 through December 31, 2025:

1. Sharjo, Inc. dba ServiceMaster Recovery Management for an amount not to exceed \$150,000.

2. Belfor USA Group, Inc. for an amount not to exceed \$150,000.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 70,600–N.S. (Sharjo, Inc.) and Resolution No. 70,601–N.S. (Belfor USA Group, Inc.).



## Consent Calendar

- 12. Contract No. 10413B Amendment: LAZ Parking LLC for Managing City-Owned Off-Street Parking Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10413B with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street Garages, extending the term to December 31, 2024 and increasing the contract amount by \$5,162,424 for a total not-to-exceed of \$16,252,375.  
**Financial Implications:** Off-Street Parking Fund - \$5,162,424  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,602–N.S.
- 13. Contract No. 10340 (ERMA 111976-1) Amendment: HF&H Consultants, LLC for the Update of Rate Model**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10340 (ERMA 111976-1) with HF&H Consultants, LLC for the Update of the Zero Waste Rate Schedules, extending the term to June 30, 2025, and increasing the contract by \$75,000 for a total contract amount not to exceed \$325,000.  
**Financial Implications:** Zero Waste Fund - \$75,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,603–N.S.
- 14. Contract No. 117610-1 Amendment Columbia Electric, Inc. for On-Call Electrical Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 117610-1 with Columbia Electrical, Inc., increasing the current contract by \$300,000 for a total not to exceed amount of \$375,000 and extending the contract through June 30, 2025.  
**Financial Implications:** General Fund - \$300,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,604–N.S.

## Consent Calendar

**15. Sewer and Access Road Easement and Installation Agreements with Paulonia Investment, LLC and Little Tree Investment, Inc., and James Robert Higgins and Summary Vacation of Existing Sewer Easements**

**From: City Manager**

**Recommendation:**

1. Adopt first readings of three Ordinances authorizing the City Manager to execute easement and installation agreements and any amendments for sewer pipe facilities with:

A. Paulonia Investment, LLC and Little Tree Investment, Inc. for extending, operating, maintaining, and accessing sewer pipe facilities on parcel with APN 063-2969-034-23, and

B. James Robert Higgins for extending, operating, maintaining and accessing sewer pipe facilities on 1033 Miller Avenue (APN 063-2969-034-25) and

C. Paulonia Investment, LLC and Little Tree Investment, Inc. on parcel with APN: 063-2969-034-44 for accessing sewer pipe facilities.

2. Adopt a Resolution to summarily vacate the existing sewer right-of-way easement and sewer reserve easement on parcel with APN 063-2969-034-23.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted first reading of Ordinance No. 7,841–N.S. (APN 063-2969-034-23), Ordinance No. 7,842–N.S. (APN 063-2969-034-25), and Ordinance No. 7,843–N.S. (APN 063-2969-034-44). Second readings scheduled for November 29, 2022.

Adopted Resolution No. 70,605–N.S.

**16. Reinstate Burma (Myanmar) on Berkeley’s Oppressive States List**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution to reinstate Burma (Myanmar) on Berkeley’s Oppressive States list; to urge the federal government to strengthen sanctions on the military regime including on its Myanmar Oil and Gas Enterprises (MOGE), and to recognize and support the Burma National Unity Government (NUG), including ensuring the continued representation of Burma at the United Nations by U Kyaw More Tun. Send copies of the Resolution to the congressional delegation and other federal leaders.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 70,606–N.S.

## Council Consent Items

**17. United Against Hate Week 2022**

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

**Recommendation:**

1. Adopt a Resolution declaring November 13th – 19th, 2022 as United Against Hate Week.

2. Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$250 per Councilmember, to support the film screening of “Repairing the World” in Berkeley with residuals going to Not in Our Town for United Against Hate Week.

**Financial Implications:** Mayor’s Discretionary Funds - \$250

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,607–N.S. (United Against Hate Week), and Resolution No. 70,608–N.S.

(Expenditure) revised to reflect a not to exceed expenditure amount of \$500 per Councilmember, and further revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500, Councilmember Wengraf - \$250, Councilmember Kesarwani - \$100, Councilmember Hahn - \$300, Councilmember Robinson - \$250, Councilmember Droste - \$100, Councilmember Harrison - \$100, Councilmember Taplin - \$250.

**18. Resolution Supporting Removal of Cuba from the U.S. State Sponsor of Terrorism List**

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

**Recommendation:**

1. Adopt Resolution supporting removal of Cuba from the U.S. State Sponsor of Terrorism List; and

2. Refer to the City Clerk to send copies of the resolution and letters to Representative Lee and Senators Feinstein and Padilla.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 70,609–N.S.

## Council Consent Items

19. **Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate the Use of Carryout and Produce Bags and Promote the Use of Reusable Bags** (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)

**From: Councilmember Harrison (Author), Councilmember Hahn (Author)**

**Recommendation:**

1. Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate the use of carryout and produce bags and promote the use of reusable bags with a phased enforcement and implementation approach, effective with respect to new charges for bags pursuant to Sections 11.63.040 and 11.63.050 and provisions applicable to the City of Berkeley and City-sponsored events pursuant to Section 11.63.090 on January 1, 2023, and administrative regulations for and all provisions in this ordinance effective June 30, 2023.

2. Refer to the City Manager and Public Works to consider a Zero Waste rate modification with an anticipated net-zero impact on General Fund to provide additional staffing capacity consistent with business and community outreach, support services, implementation, and phased enforcement of this ordinance and other plastic reduction ordinances. Out of an abundance of caution, and in the event that additional or alternative staffing resources are needed beyond a potential rate increase, refer to the Fiscal Year 2023 AAO #1 Budget Process up to \$350,000 per year for staffing for this ordinance and other plastic reduction ordinances.

*Policy Committee Recommendation: To approve the item with a positive recommendation.*

**Financial Implications:** Staff Time - \$350,000 per year

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

**Action:** As recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee: 1. Adopted first reading of Ordinance No. 7,844–N.S. Second reading scheduled for November 29, 2022. 2. Approved recommendation.

## Council Consent Items

**20. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

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

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$125 per Councilmember, including \$125 from Councilmember Wengraf, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family. \$125 covers one book delivered to one child every month for 5 years.

**Financial Implications:** Councilmember's Discretionary Funds - \$125

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

**Action:** Adopted Resolution No. 70,610–N.S. as revised to include contributions from the following Councilmember up to the amounts listed: Councilmember Kesarwani - \$125, Councilmember Hahn - \$125, Councilmember Robinson - \$125, Councilmember Droste - \$125, Councilmember Harrison - \$100, Councilmember Taplin - \$125, Mayor Arreguin - \$125.

**21. Budget Referral: Closing the Southside Complete Streets Funding Gap**

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

**Recommendation:** Refer \$1,000,000 to the FY 2023 AAO #1 process to contribute to closing the funding gap for the Southside Complete Streets project to ensure that construction on Bancroft, Dana, & Fulton can proceed on schedule and to prevent the loss of \$7.3M in federal funding.

**Financial Implications:** \$1,000,000

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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

## Council Consent Items

22. **Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action Fund**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Author), Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: -Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents.  
Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation as revised to read as follows:  
*Refer to the City Manager to explore the creation of a program to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: - Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents.*  
*Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.*

Recess 8:02 p.m. – 8:12 p.m.

## Action Calendar – Public Hearings

### 23. Adoption of the 2022 California Fire Code with Local Amendments

**From: City Manager**

**Recommendation:**

1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2022 California Fire Code (“CFC”) and rescinding Resolution number 69,178–N.S.;
3. Conduct a public hearing and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 69,179–N.S. and all Resolutions amendatory thereof.
4. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 6, 2022.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**Action:** M/S/C (Hahn/Robinson) to suspend the rules and extend the meeting to 11:10 p.m.

**Vote:** All Ayes.

**Public Testimony:** The Mayor opened the public hearing. 4 speakers.

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

**Vote:** All Ayes.

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

1. Adopt first reading of Ordinance No. 7,845–N.S. as revised in the Supplemental Communications Packet #3 by the Fire Department. Second reading scheduled for December 6, 2022.
2. Adopt Resolution No. 70,611–N.S. (Finding of Local Conditions) as revised in the Supplemental Communications Packet #3 by the Fire Department.
3. Adopt Resolution No. 70,612–N.S. (Fees)
4. Approve the recommendation.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**24. Implement Residential Preferential Parking (RPP) Program on the 1900 Block of Vine Street and the 3000 Block of Martin Luther King Jr. Way**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25E and Section 25M by adding a subsection to implement Residential Preferential Parking (RPP) on both sides of the 1900 Block of Vine Street in RPP Area E and the west side of the 3000 Block of Martin Luther King Jr. Way in RPP Area M.

**Financial Implications:** See report.

Contact: Liam Garland, Public Works, (510) 981-6300

**Public Testimony:** The Mayor opened the public hearing. 8 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

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

Councilmember Taplin absent 8:25 p.m. – 8:34 p.m.

**Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,613–N.S.

**Vote:** All Ayes.

## Action Calendar – New Business

**25. Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral**

**From: City Manager**

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** M/S/C (Arreguin/Harrison) to continue Item 25 to December 6, 2022.

**Vote:** All Ayes.



## Action Calendar – Continued Business – Public Hearings

- A. **ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095** *(Continued from November 3, 2022) (Item contains supplemental material)*

**From: City Manager**

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

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 13 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,614–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0095 to construct a six-story, multi-family residential building with 12 units, and dismiss the appeal, with the revised Findings and Conditions in the supplemental material included with the item from the Planning and Development Department, and further revised to add a condition of approval requiring an on-site manager. Staff is authorized to draft the condition of approval requiring an on-site manager to reflect Council's direction.

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

- B. **ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001** *(Continued from November 3, 2022)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 11 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Droste/Kesarwani) to adopt Resolution No. 70,615–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

**Vote:** All Ayes.

## Information Reports

26. **LPO NOD: 2119 Marin Avenue/#LMIN2022-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
27. **LPO NOD: 1325 Arch Street/#LMSAP2022-0007**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
28. **LPO NOD: 2081 Center Street/#LMSAP2022-0006**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
29. **LPO NOD: 2109 Kala Bagai Way/#LMSAP2022-0008**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 23 speakers.**

## Adjournment

Adjourned at 11:10 p.m.

## Communications

### **Adeline Street Redesign**

1. Pablo Diaz-Gutierrez
2. Jane Scantlebury
3. Tommaso Sciortino
4. Teresa Clarke
5. Abbie Turiansky
6. John Givens
7. Jeffrey Wescott
8. Laura Stevens
9. Sabina McMurtry
10. Nat Kane

### **All-Day All-Night Festival Noise**

11. Kelly Zito

### **State Required Housing – RHNA Housing Allocation**

12. Margaret Pritt

**Catalytic Converter Crime**

13. Karl Reeh

**Energy Efficient Holidays**

14. Christopher La Combe

**RHS**

15. Anna Avellar

**Hopkins Corridor**

16. Todd Andrew

17. Margot Smith

18. Luther Miller

19. Evelyn Larsen

20. Meg and Dan Holm

21. Joshua Bloom

22. David Kessler

23. Lisa Oglesby

24. Commission on Aging

**Measure L**

25. Finance Department (2)

26. Justin Lee

**COVID-19 Masking Policies**

27. Rainbow Rubin

**UC Berkeley Safety Concerns**

28. Maria Rosino-Miracco

**Hearst Garden/Cottages at 1155-1173 Hearst Avenue**

29. Tracey Emerson

30. Dale Anania

**Housing Element**

31. Janis Ching

32. Richard Illgen

33. Rahel Smith

34. Natalie Hanson

35. 18 similarly-worded form letters

**Middle Housing**

36. Kyle Scott

**Live Transcription**

37. Max Ventura

38. Margot Smith

**People's Park**

39. Holly Scott Cayce

40. Marc Sapir

41. Dale Alexander

**5G Forests**

42. Vivian Warkentin

**Phone Bank Lists**

43. Samuel Kim, on behalf of Racial Justice and Advocacy Program

**1600 Block Woolsey Health and Safety Issues**

44. Joshua Landerfelt (2)

**Native Landscaping – Less-Thirsty**

45. Franziska Raedeker

**Codornices Creek Issue**

46. Friends of Five Creeks (2)

47. Peter Radu, on behalf of Neighborhood Services

**1201-1205 San Pablo Avenue**

48. Reed Schwartz

49. Tony Benado

**Parking Ticket**

50. Dawn Howard

**2065 Kittredge Street – Appeal Use Permit #ZP2021-0193**

51. Alisha Pember, on behalf of Adams Broadwell Joseph and Cardozo

**Crime in Berkeley**

52. Tony Benado

53. Alexander Merenkov

**Segregation in Berkeley Persists**

54. Aimee Baldwin

**Neighborhood Noise**

55. Paola Bacchetta

**AT&T Box Safety Hazard**

56. Immanuel Buder

## **Supplemental Communications and Reports 1**

### **Item #2: Appointment of the Chief of Police**

- 57. Janice Schroeder
- 58. Diana Bohn

## **Supplemental Communications and Reports 2**

### **Item #2: Appointment of the Chief of Police**

- 59. Margaret Fine
- 60. Diana Bohn (3)
- 61. Phoebe Thomas Sorgen
- 62. Andrea Pritchett
- 63. Kate Lauer
- 64. Paola Laverde
- 65. Rivka Polatnick
- 66. Meghan Schwartz
- 67. Elana Auerbach
- 68. Carole Marasovic
- 69. Cecilia Lunaparra
- 70. Caleb Dawson
- 71. Jorie Heilman
- 72. Mary-Lee Smith
- 73. Jonathan Garvin
- 74. Portia Lewis
- 75. Steve Martinot

### **Item 21: Budget Referral: Closing the Southside Complete Streets Funding Gap**

- 76. Chuck Siegel

### **Item #22: Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action Fund**

- 77. Tom Lent, on behalf of Walk Bike Berkeley

## **Supplemental Communications and Reports 3**

### **Item #2: Appointment of the Chief of Police**

- 78. Catherine Huchting
- 79. Max Ventura
- 80. Moni Law (2)
- 81. Janice Schroeder
- 82. Mansour Id-Deen
- 83. Julia Cato
- 84. Ariana Thompson-Lastad
- 85. Linda Franklin
- 86. Janet Madilon
- 87. Berkeley Progressive Alliance
- 88. Michael Lerner

- 89. Hansel Alejandro Aguilar, Director of Police Accountability
- 90. Brendon Wood, Alameda County Public Defender
- 91. Anne-Lise Francois
- 92. Michai Freeman
- 93. Chrissy Hoffman
- 94. Mike Iziksun
- 95. Lynn Cooper

**Item #19: Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate the Use of Carryout and Produce Bags and Promotes the Use of Reusable Bags**

- 96. Bryce Nesbitt
- 97. Prab Rai, on behalf of CALPIRG Students

**Item #20: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

- 98. Seena Hawley

**Item 23: Adoption of the 2022 California Fire Code with Local Amendments**

- 99. Revised material, submitted by the Fire Department
- 100. Presentation, submitted by the Fire Department

**Item #B: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

- 101. Presentation, submitted by the Planning and Development Department

## **Urgent Items**

**Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions**

- 102. Urgent item, submitted by Councilmember Robinson

**Budget Referral: Berkeley Junior Jackets Fields Use Expenses**

- 103. Urgent item, submitted by Councilmember Taplin

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

**Monday, November 21, 2022  
5:00 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](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

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## Preliminary Matters

**Roll Call:** 5:05 p.m.

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

**Absent:** Bartlett, Droste

Bartlett present at 5:07 p.m.

## Action Calendar

**1. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

*(Continued from November 3, 2022) (Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item contains revised and supplemental material)*

**From: Commission on Labor**

**Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.

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

**Financial Implications:** See report

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

**Action:** 22 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt first reading of Ordinance No.7,846-N.S. as submitted by Vice Mayor Harrison in Communications Packet #2 (second reading scheduled for December 13, 2022), revising the final sentence of Section 13.102.070 to read *"Additionally, for the City of Berkeley, the offering of these additional hours shall not in themselves confer career status on any non-career employee or confer benefits on any non-benefitted employee, unless required by state or federal law"*; and
2. Making the following the following referrals:
  - Refer \$50,000 to the FY 23 AAO #1 Budget Process for outreach and technical assistance;
  - Refer to the FY 24 Budget Process up to \$92,000 for citywide predictability pay (up to \$70,000 for PRW and up to \$22,000 for other departments). This allowance supports potential costs for approximately 675 part-time employees who might receive predictability pay, representing up to \$136/person;
  - Resubmit \$220,000 to the FY 2023 AAO #1 budget process for a Community Development Project Coordinator in Health, Housing and Community Services (HHCS) to assist with enforcement of Citywide labor laws and regulations and the Fair Work Week legislation. *This request was previously submitted for the FY 23 budget process but was not funded nor formally carried over for consideration in the AAO; and*



## Action Calendar

- Refer \$150,000 to FY 2024 for a Parks, Recreation & Waterfront (PRW) Accounting Office Specialist III to implement scheduling systems.

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

## Adjournment

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

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

Councilmember Wengraf absent at 6:39 p.m.

Adjourned at 6:58 p.m.

## Communications

**Item #1: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

1. Claire Kahane
2. Andrea Mullarkey (2)

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

3. John Caner, on behalf of the Downtown Berkeley Association
4. Matthew Sutton
5. Linda Currie
6. Barbara Gilbert
7. Revised material, submitted by Councilmember Harrison

## Supplemental Communications and Reports 3

**Item #1: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

8. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group
9. Isabelle Gaston
10. Doug Jones, on behalf of SEIU and UHW

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**MONDAY, NOVEMBER 28, 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**

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## Preliminary Matters

**Roll Call:** 4:35 p.m.

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

**Absent:** Bartlett, Kesarwani, Wengraf

**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: 1718 8th Street, Berkeley, California  
Agency Negotiators: Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director of Parks, Recreation, and Waterfront; Christina Erickson, Deputy Director of Parks, Recreation, and Waterfront  
Negotiating parties: City of Berkeley & Bay Area Hispano Institute for Advancement (BAHIA)  
Property owner: City of Berkeley  
Under negotiation: Price and terms

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a)

- a. Government Claim of Susan Simonds & Michael Wentworth
- b. Government Claim of Selamawit Tezare

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

Adjourned at 5:05 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of November 28, 2022 as approved by the Berkeley City Council.

---

Rose Thomsen, Deputy City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 29, 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**

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## Preliminary Matters

**Roll Call:** 6:04 p.m.

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

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 6:05 p.m.

Councilmember Bartlett present at 6:11 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of Alex Roshal, Retiring Building Official
2. Adjournment in memory of Al Wasserman, Berkeley resident

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 6 speakers.

**Action:** M/S/C (Bartlett/Harrison) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Resolution in Support and Reaffirm Support for Net Energy Metering.

**Vote:** All Ayes.

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

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

**Vote:** All Ayes.

## Consent Calendar

**Urgent Item: Resolution in Support and Reaffirm Support for Net Energy Metering**  
**From: Councilmember Bartlett (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**

**Recommendation:** Send the enclosed Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Proposed Decision (PD) issued by the CPUC on November 10, 2022, continues to threaten access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, thus interfering with Berkeley's and California's climate action and equity goals.

**Financial Implications:** Staff time

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

**Action:** Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 70,616–N.S.

**1. Sewer and Access Road Easement and Installation Agreement with Paulonia Investment, LLC and Little Tree Investment, Inc.**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,841-N.S. authorizing the City Manager to execute an easement and installation agreement and any amendments for sewer pipe facilities with Paulonia Investment, LLC and Little Tree Investment, Inc. for extending, operating, maintaining, and accessing sewer pipe facilities on parcel with APN 063-2969-034-23.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted second reading of Ordinance No. 7,841–N.S.

**2. Sewer and Access Road Easement and Installation Agreement with James Robert Higgins**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,842-N.S. authorizing the City Manager to execute an easement and installation agreement and any amendments for sewer pipe facilities with James Robert Higgins for extending, operating, maintaining and accessing sewer pipe facilities on 1033 Miller Avenue (APN 063-2969-034-25).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted second reading of Ordinance No. 7,842–N.S.

## Consent Calendar

- 3. Sewer and Access Road Easement and Installation Agreement with Paulonia Investment, LLC and Little Tree Investment, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,843-N.S. authorizing the City Manager to execute an easement and installation agreement and any amendments for sewer pipe facilities with Paulonia Investment, LLC and Little Tree Investment, Inc. on parcel with APN: 063-2969-034-44 for accessing sewer pipe facilities.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,843–N.S.
- 4. Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate the Use of Carryout and Produce Bags and Promote the Use of Reusable Bags**  
**From: Councilmember Harrison (Author), Councilmember Hahn (Author)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,844-N.S. adding a Chapter 11.62 to the Berkeley Municipal Code to regulate the use of carryout and produce bags and promote the use of reusable bags with a phased enforcement and implementation approach, effective with respect to new charges for bags pursuant to Sections 11.63.040 and 11.63.050 and provisions applicable to the City of Berkeley and City-sponsored events pursuant to Section 11.63.090 on January 1, 2023, and administrative regulations for and all provisions in this ordinance effective June 30, 2023.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Staff Time - \$350,000 per year  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted second reading of Ordinance No. 7,844–N.S.
- 5. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, and November 3, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,617–N.S.

## Consent Calendar

6. **Amend I-80 Gilman Interchange Improvement project funding agreement, Contract No. 42200065 (Agreement A22-0056) with Alameda County Transportation Commission (Alameda CTC)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the existing Contract No. 42200065 (Agreement A22-0056) with Alameda CTC and any other amendments to fix drainage and grading issues for the future fire lane on 3rd Street between Gilman and Camelia Streets as part of the I-80 Gilman Interchange Improvement Project, increasing the amount of the agreement by \$750,000, for a total not-to-exceed amount of \$1,250,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,618–N.S.

## Council Consent Items

7. **Budget Referral: Strawberry Creek Lodge Food Program**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Author)**  
**Recommendation:** Refer to the December 2022 Annual Appropriations Ordinance (AAO) budget process \$50,000 for the Strawberry Creek Lodge Food Program.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.
8. **Grant Approval: San Francisco Foundation to support the Equitable Black Berkeley Initiative**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept a \$75,000 grant award from the San Francisco Foundation to renew the existing ideation facilitator contract supporting the Equitable Black Berkeley Initiative, a community-led process to develop a reparative approach to new development at the Ashby BART Station and Adeline Corridor, with the goal of maximizing affordability of new housing.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,619–N.S.
9. **Excused Absence for Councilmember Ben Bartlett**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Excuse Councilmember Ben Bartlett from the September 29, 2022 Council meeting as a result of illness.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.



## Action Calendar – Public Hearings

### 10. Renewal of the Solano Avenue BID for Calendar Year 2023

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District for 2022-2023 and, if no majority protest exists, levy annual assessments in the District for calendar year 2023 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

**Financial Implications:** See report

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Robinson) to adopt Resolution No. 70,620–N.S.

**Vote:** All Ayes.

### 11. Referral Response: Amendments to the Sign Ordinance to Clarify Procedures and to Establish a Coordinated Sign Design Program, and Establish a New Fee for Coordinated Sign Design Programs

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion:

1. Adopt the first reading of an Ordinance amending the Berkeley Municipal Code (BMC) Title 20 [Signs] to clarify design review procedures for signs, establish an optional Coordinated Sign Design program, and amend Section 20.12.070 [Issuance authorized when] and Section 23.204.070B [Design Review – When required] to provide internal consistency; and

2. Adopt a Resolution amending Resolution No. 67,985-N.S., the Land Use Planning Fee schedule, to add a new Coordinated Sign Design Program Fee.

**Financial Implications:** See report

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

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

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

**Vote:** All Ayes.

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

1. Adopt first reading of Ordinance No. 7,847–N.S. Second reading scheduled for December 13, 2022.

2. Adopt Resolution No. 70,621–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**12. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,839-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in Berkeley Municipal Code Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to adopt the second reading of Ordinance No. 7,839–N.S.

**Vote:** All Ayes.

**13. Re-enactment of the Berkeley Housing Code; Repealing Chapter 12.48 and Repealing and Re-enacting Chapter 19.40**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,840-N.S. repealing Berkeley Municipal Code (BMC) Chapter 12.48 (Residential Rental Housing Safety Program), and repealing and re-enacting BMC 19.40 (Berkeley Housing Code), incorporating BMC Chapter 12.48 into BMC Chapter 19.40.

**First Reading Vote:** All Ayes.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 2 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt the second reading of Ordinance No. 7,840–N.S.

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

Councilmember Taplin absent 7:22 p.m. – 7:31 p.m.

## Action Calendar – New Business

**14. Return to In-Person City Council Meetings and Status of Meetings of City Legislative Bodies**

**From: City Manager**

**Recommendation:** Review the public health meeting protocols and advise on any revisions to be implemented for the return to in-person regular meetings at the December 6, 2022 regular meeting.

**Financial Implications:** See report

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

**Action:** 5 speakers. The Council reviewed the public health procedures for in-person meetings and provided direction to require distancing on the dais and request information on the public health protocols in place for other legislative bodies in the region.

Recess 8:08 p.m. – 8:19 p.m.

## Action Calendar – New Business

### 15. Adeline Street at Ashby BART Conceptual Design

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Plaza with Two-Lane Adeline option as the conceptual design for a street reconfiguration and new plaza along Adeline Street between Ashby Avenue and Martin Luther King Jr. Way, and authorizing the City Manager to direct staff to proceed with the detailed engineering design of the project.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** 17 speakers. M/S/C (Bartlett/Arreguin) to:

- 1) Adopt a revised recommendation, “Adopt a Resolution approving the Plaza with Two-Lane Adeline option as the conceptual design for a street reconfiguration and new plaza along Adeline Street between Ashby Avenue and Martin Luther King Jr. Way, and authorizing the City Manager to direct staff to proceed with developing preliminary engineering concepts directed toward ensuring universal design and access for consideration by the public and the council, and subsequently detailed engineering design of the project including a podium connecting the retail spaces to the Adeline frontage.”
- 2) Request that staff consult with the Ed Roberts Campus and the Commission on Disability regarding universal design and access considerations.
- 3) Adopt Resolution No. 70,622–N.S. with an amended resolved clause to read:

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to direct staff to proceed with the preliminary engineering concepts directed toward ensuring universal design and access for consideration by the public and the council, and subsequently detailed engineering design of the Adeline at Ashby BART Project, based on the recommended conceptual design with Two-Lane Adeline option as the conceptual design for a street reconfiguration and new plaza along Adeline Street between Ashby Avenue and Martin Luther King Jr. Way, including a podium connecting the retail spaces to the Adeline frontage, pending identification of funding.*

**Vote:** All Ayes.

## Information Reports

### 16. Climate Action Plan and Resilience Update

**From: City Manager**

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

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

### 17. City Policies for Managing Parking Around BART Stations

**From: City Manager**

Contact: Liam Garland, Public Works, (510) 981-6300

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

## Information Reports

18. **Fair Campaign Practices Commission FY2022-2023 Work Plan**  
**From: Fair Campaign Practices Commission**  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
**Action:** Received and filed.
19. **Open Government Commission FY2022-2023 Work Plan**  
**From: Open Government Commission**  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda – 3 speakers.**

## Adjournment

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

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

Adjourned at 10:16 p.m.

## Communications

### Item #15: Adeline Street at Ashby BART Conceptual Design

1. Ryan Lau, on behalf of the Alameda-Contra Costa Transit District

### No Right Turn on Red

2. Riti Dhesi
3. Ned Himmel
4. Laralynn and Joe Rapoza

### Harriet Tubman Terrace Apartments

5. Darinxoso Oyamasela

### Homelessness and Encampments

6. Friends of Five Creeks (3)
7. Craig Nagasaw
8. John Caner, Downtown Berkeley Associations
9. Susana Garcia

### PCI Street Conditions

10. David Lerman (2)
11. Marna Braunstein Clark

### Hopkins Street Corridor

12. Nancy Lewis

**26-Story Building in Central Berkeley**

13. Dorothea Dorenz

**EV Micro-Mobility Vehicles**

14. Bernard Marszalek

**Traffic Safety at Cedar and California**

15. David Lerman

**Bring Back Transit Bus 80**

16. Jovanka Beckles

**Berkeley Waterfront and Marina Area**

17. Camille Antinori, David Fielder and Gordon Stout

**Recruitment of Commissioners for the Commission on Aging**

18. George Porter, Chair, Commission on Aging

**Support for Repairs to La Pena Cultural Center**

19. Natalia Neira and Tara Dalbo, Executive & Deputy Executive Director

**Illegal Dumping**

20. Alice Rosenthal

**Implement Ceasefire in Berkeley**

21. Diana Bohn

**People's Park**

22. Susana Lamaina

23. Joshua Hart

24. Susan Stevens

25. Sandra Morey

26. Norma Harrison

**Cannabis Policy**

27. Getting It Right From The Start

**North Berkeley BART Developer Selection**

28. John Parman

29. Peggy Radel

**Berkeley Half Marathon Impacts**

30. Alexander Merenkow

**Climate Change**

31. Vivian Warkentin

**Proposed Proclamation, in Honor of Barbara Ann White**

32. Moni Law (2)

**End the Eviction Moratorium**

33. Jeannie Llewellyn

34. May Fong

35. Daniel Gonzalez

**PRA Request**

36. Nathan Mizell

37. Dee Williams-Ridley

**Berkeley City Council Meeting Comment**

38. Peter Goldman

**Berkeley Police Department Superior Customer Service**

39. Pauline Russo Cutter, Mayor of San Leandro

**Golden Gate Fields Stable Code Violations**

40. T. Conrad

**Measure L**

41. Jeffrey Heller

**Housing Element**

42. 9 similarly-worded from letters

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Item #15: Adeline Street at Ashby BART Conceptual Design**

43. Charles Siegel

**Supplemental Communications and Reports 3**

**Item #8: Grant Approval: San Francisco Foundation to support the Equitable Black Berkeley Initiative**

44. Toni Mester

**Item 10: Renewal of the Solano Avenue BID for Calendar Year 2023**

45. Todd Andrews

**Item #15: Adeline Street at Ashby BART Conceptual Design**

46. Presentation, submitted by Public Works

47. T. Michai Freeman

**Urgent Item**

**Resolution in Support and Reaffirm Support for net Energy Metering**

48. Urgent item, submitted by Councilmember Bartlett



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 6, 2022**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, additional public health protocols will be in place. If you are feeling sick, please do not attend in person.*

*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](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 841 8989 3148. 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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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 6:05 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:07 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of Lori Droste, Councilmember, District 8

### City Manager Comments:

The City Manager presented the Homeless Response Team Data and Progress Report

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 14 speakers.

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

**Vote:** All Ayes.

### 1. **Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue** **From: City Manager**

**Recommendation:** Adopt an Urgency Ordinance to enter into a lease for the real property located at 1720 San Pablo Avenue, Berkeley, CA for a term of 5 years.

**Financial Implications:** See report

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

**Action:** Adopted Urgency Ordinance No. 7,848–N.S. as revised in Supplemental Communications Packet #1 by the City Manager's Office.

## Consent Calendar

- 2. Amend Contract No. 32100161 with Dorothy Day House to extend Horizon Village Shelter and Safe RV Parking Program operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100161 with Dorothy Day House (DDH) to add \$612,559 to cover costs to extend the Safe RV Parking Program (SPARK) through December 31, 2022 and costs to operate the Horizon Village Shelter (HVS) from October 1, 2022 through June 30, 2023 (including the Berkeley Inn from December 7, 2022 through June 30, 2022), for a total contact amount not to exceed \$2,270,177.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,623–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 6, 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 - \$2,581,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 4. Classification and Salary: ADA Program Coordinator**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the represented classification Disability Services Specialist to ADA Program Coordinator with a monthly salary range of \$9,231.73 - \$11,162.67.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,624–N.S.
- 5. Donation: Memorial Bench at Cesar Chavez Park in memory of Linda Loh**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Linda Loh.  
**Financial Implications:** Marina Fund - \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,625–N.S.

## Council Consent Items

6. **Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs** (*Reviewed by the Health, Life Enrichment, Equity & Community Committee*)  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:**

1. Refer to the City Manager to Strengthen Adult Criminal Justice Re-Entry Employment Programs in Berkeley by studying re-entry programs, supports, and systems already available for Berkeley residents, strengthening linkages, and identifying gaps. Report findings back to the Health, Life Enrichment, Equity & Community Committee during 2023.
2. Refer \$50,000 to the Budget Process to engage a consultant to recommend a Universal Income Pilot for Berkeley. Recommendation to include evaluation of: - Potential funding sources; -Appropriate and recommended models for Berkeley; - Target population(s) to be supported by Pilot; -Program delivery models; -Evaluation; -Any and all other elements/factors to establish an effective Universal Income Pilot for Berkeley.

Considerations for target populations may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.

3. Refer to the City Manager to establish evaluation processes and metrics for all social services programs recommended through the Reimaging Public Safety Process, including but not limited to violence prevention services, adult reentry programs, and mental health crisis response, and report evaluation outcome to the City Council.

*Policy Committee Recommendation: To forward the item to Council with a positive recommendation that the City Council approve the item with the Author's substitute recommendations (as detailed in the report).*

**Financial Implications:** See report

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

**Action:** Approved recommendation as recommended by the Health, Life Enrichment, Equity & Community Committee.

Recess 8:47 p.m. – 8:57 p.m.

7. **Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral** (*Continued from November 15, 2022*)  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** 3 speakers. Presentation made and discussion held.

## Action Calendar – Public Hearings

### Action Calendar – Public Hearings

#### 8. **Renewal of the Elmwood Avenue BID for Calendar Year 2023**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2022-23 and, if no majority protest exists, levy annual assessments in the District for calendar year 2023 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Droste/Wengraf) to adopt Resolution No. 70,626–N.S.

**Vote:** All Ayes.

#### 9. **Adoption of the 2022 California Fire Code with Local Amendments – Second Reading**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,845-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, L (as amended by BMC 19.48.020, Amendments to the California Fire Code) and O published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Harrison) to adopt the second reading of Ordinance No. 7,845-N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 10. Citywide Affordable Housing Requirements

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance to amend the Berkeley Municipal Code Chapter 23.328, updating the citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance and repealing existing administration and zoning code sections that refer to affordable housing requirements, BMC Section 22.20.065, and Section 23.312.040(A)(6), to become effective on April 1, 2023.
2. Adopt a Resolution establishing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2) (Attachment 2) upon the effective date of contemporaneously adopted amendments to BMC Section 23.328, and rescind Resolution No. 68,074-N.S. related to fees, exemptions, and administration of inclusionary affordable housing and in-lieu programs upon the effective date of contemporaneously adopted amendments to BMC Section 23.328.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Item 10 removed from the agenda by the City Manager.

## Information Reports

### 11. FY 2022 Fourth Quarter Investment Report: Ended June 30, 2022

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:36 p.m.

## Communications

### Homelessness/Encampments

1. Pamela Michaud
2. Mike Kim (3)
3. Justin Shapiro
4. Peter Radu (2)
5. Ron Restani

### Property Crime Is On The Rise

6. Jordan Sax

**CalPERS Funding for City of Berkeley**

7. Geoff Lomax

**Harriet Tubman Terrace Apartments**

8. Daxinxoso Oyamasela

9. M. Mendonca

**People's Park**

10. Susanna Lamaina

11. Wynd Kaufmyn

12. Jacob Picheny

**North Berkeley BART Development**

13. Sue Martin

14. Virginia Browning

15. Vicki

**Staffing Shortage at City of Berkeley**

16. David Lerman

**EV Scooter Hazards - Being Ridden On Sidewalk**

17. Kathleen Krier

**E-Bike Rebate**

18. Edwin Bish

**Berkeley Police Department Culture**

19. Diana Bohn

**Measure L**

20. Krista Denton

21. Robert Reiter

**Letter of Commendation for an Ecology Employee**

22. Mary McBride

**Eviction Moratorium**

23. Carol Curtis

**Most Future-Ready Cities**

24. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
25. Supplemental material, submitted by the City Manager's Office

**Item #10: Citywide Affordable Housing Requirements**  
26. Supplemental material, submitted from Planning and Development

## **Supplemental Communications and Reports 2**

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
27. Meryl Siegal  
28. Aimee Baldwin

**Item #2: Amend Contract No. 32100161 with Dorothy Day House to extend Horizon Village Shelter and Safe RV Parking Program operations**  
29. Elana Auerbach

**Item #6: Office of Racial Equity: Re-Entry Employment and Guaranteed Income**  
30. Lorenzo Grayson

## **Supplemental Communications and Reports 3**

### **City Manager Comments**

31. Presentation "Homeless Response Team Update", submitted by the City Manager's Office

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
32. Acacia Schmidt  
33. Beth Gerstein, on behalf of Councilmember Kesarwani  
34. Meryl Siegal  
35. Hans Ashlock  
36. Toni Mester

**Item #6: Office of Racial Equity: Re-Entry Employment and Guaranteed Income**  
37. Tom Lent  
38. Igor Tregub, on behalf of the Sierra Club  
39. Igor Tregub, on behalf of the Alameda County Democratic Party  
40. Ayanna Davis  
41. Maryann O'Sullivan

**Item #7: Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral**  
42. Presentation, submitted by the Police Department

**Item #10: Citywide Affordable Housing Requirements**  
43. Toni Mester (2)  
44. Janis Ching



**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, DECEMBER 12, 2022**

**3:00 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 – MARK HUMBERT

**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/86583999676>. 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.*

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*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.*

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## Preliminary Matters

**Roll Call:** 3:08 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Harrison

**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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

a. *Schmier v. City of Berkeley*, Alameda County Superior Court Case No. RG19036596

**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, Aram Kouyoumdjian, 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.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:08 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on December 12, 2022.

\_\_\_\_\_  
Mark Numainville, City Clerk

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

**Tuesday, December 13, 2022  
5:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

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## Preliminary Matters

**Roll Call:** 5:16 p.m.

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

**Absent:** None.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### 1. **Confirming the Results of the November 8, 2022, General Municipal Election**

**From:** City Manager

**Recommendation:**

1. Adopt a Resolution: a) Confirming the results of the November 8, 2022, General Municipal Election; and b) Declaring the passage of Measure M – Vacancy Tax, and Measure N – Article 34 Low-Income Housing.

2. Adopt an Ordinance amending the Berkeley Municipal Code to incorporate the passage of Measure M – Vacancy Tax.

3. Adopt a Resolution codifying the text of Measure N – Article 34 Low-Income Housing.

**Financial Implications:** None

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

**Action:** 1. Adopted Resolution No. 70,627–N.S. (Confirm Results); 2. Adopted Ordinance No. 7,849-N.S. (Measure M - Vacancy Tax); 3. Adopted Resolution No. 70,628–N.S. (Measure N - Article 34 Low-Income Housing).

### 2. **Grant Contracts with the State Coastal Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute grant contracts with the State Coastal Conservancy (SCC) to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront for the following projects: 1. Dredging of the Marina Main Channel, 2. Replacement of D and E Dock system, 3. Improvements to Cesar Chavez Park Pathways, 4. Improvements to the South Cove West Parking Lot, and 5. Environmental Review and Design of the Pier-Ferry Project.

**Financial Implications:** \$15 million in revenue.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,629–N.S.

## Council Consent Items

### 3. City Council Committee and Regional Body Appointments

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2024 or until new appointments are made.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted Resolution No. 70,630–N.S. amended to appoint Councilmember Kesarwani to the Public Safety Committee and appoint Councilmember Humbert to the Health, Life Enrichment, Equity & Community Committee, and appoint Councilmember Hahn as the Alternate to ABAG.

### 4. Appointment of the Vice-President of the Council

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution appointing Councilmember Ben Bartlett to be the Vice-President of the Council for a term beginning December 14, 2022 to December 5, 2023 and Councilmember Susan Wengraf to be the Vice President of the Council for a term beginning December 6, 2023 to December 1, 2024 or until new appointments are made.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted Resolution No. 70,631–N.S.

### 5. Seating Arrangements for Councilmembers during City Council Meetings

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution rescinding Resolution No. 70,202–N.S. and changing the seating placement of City Councilmembers on the dais to accommodate the newly-elected councilmember and newly appointed Vice-Mayor, as follows (From left to right, facing the dais): Humbert, Kesarwani, Harrison, Bartlett, Arreguin, Wengraf, Hahn, Robinson, Taplin.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted Resolution No. 70,632–N.S.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:46 p.m.

## Communications

**Item #2: Grant Contracts with the State Coastal Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront**

1. Camille Antinori (2)

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

**Item #2: Grant Contracts with the State Conservancy to receive the FY2022 State Budget Allocation of \$15 Million for improvement projects at the Berkeley Waterfront**

2. James McGrath

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 13, 2022**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

*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](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/81885763338>. 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 8576 3338. 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 meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating 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](mailto:council@cityofberkeley.info).*

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



## Preliminary Matters

**Roll Call:** 6:08 p.m.

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

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Swearing in of City Auditor and Councilmembers elected in the 2022 municipal election
2. Recognition of the 50<sup>th</sup> Year of the Zero Waste Commission
3. Adjourned in memory of Samuel Lepie Hallward, Berkeley Middle School Student
4. Yakov Harari, Berkeley Resident
5. Recognition of Councilmember Harrison's service as Vice Mayor
6. Recognition of Paul Buddenhagen, Deputy City Manager

### City Manager Comments:

The City Manager gave a presentation on the workforce analysis and employer of choice program

**Public Comment on Non-Agenda Matters:** 8 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Letter in support of seating Cherokee Nation Delegate to the US House of Representatives.

**Vote:** All Ayes.

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

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

**Vote:** All Ayes.

## Consent Calendar

### **Urgency Item: Letter in support of seating Cherokee Nation Delegate to the US House of Representatives**

**From: Councilmember Hahn (Author)**

**Recommendation:** Send a letter to Speaker of the House Nancy Pelosi, Minority Leader Kevin McCarthy, and Rep. Barbara Lee, urging the US House of Representatives to honor the Treaty of New Echota and seat the official delegate nominated by the Cherokee Nation.

**Financial Implications:** None

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

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

**1. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**

**From: Commission on Labor**

**Recommendation:** Adopt second reading of Ordinance No. 7,846-N.S., the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.

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

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,846–N.S.

**2. Referral Response: Amendments to the Sign Ordinance to Clarify Procedures and to Establish a Coordinated Sign Design Program, Amending BMC Titles 20 and 23, and Establish a New Fee for Coordinated Sign Design Programs**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,847-N.S. amending the Berkeley Municipal Code (BMC) Title 20 [Signs] to clarify design review procedures for signs, establish an optional Coordinated Sign Design program, and amend Section 20.12.070 [Issuance authorized when] and Section 23.204.070B [Design Review – When required] to provide internal consistency.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,847–N.S.

## Consent Calendar

**3. 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, June 28, 2022, July 26, 2022, September 20, 2022, and November 3, 2022.

**Financial Implications:** To be determined

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,633–N.S.

**4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, and November 29, 2022.

**Financial Implications:** To be determined

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,634–N.S.

**5. Waiver of the Sanctuary City Contracting Ordinance’s Requirements for AG Witt, LLC Contract**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a waiver of the Sanctuary City Contracting ordinance’s requirements for the City’s FEMA Cost-Recovery Contract with AG Witt LLC.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,635–N.S.

## Consent Calendar

- 6. City of Berkeley 2023 State and Federal Legislative Platform**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the City of Berkeley's State and Federal Legislative Platform  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 70,636–N.S. as amended in Supplemental Communications Packet #1 from City Manager’s Office, and further amended to add “residential decarbonization” in the section regarding soft story retrofits.
- 7. Adopt a Resolution Authorizing the City Manager to Execute a License Agreement with East Bay Community Energy for Electric Vehicle Fast Charging Stations on Municipal Property**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to execute a Master Site License Agreement with East Bay Community Energy (EBCE) for the installation and operation of publicly-available electric vehicle (EV) direct current fast charging stations on municipal property.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,637–N.S.
- 8. Interactive Kiosk Experience (IKE) Smart City Kiosk Locations, Phase Two**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution, pursuant to Ordinance No. 7,626-N.S. Franchise Agreement with IKE Smart City, LLC approving 22 locations for the second phase of deployment of IKE Smart City Kiosks in Berkeley.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,638–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Humbert, Arreguin; Noes – Hahn.
- 9. Contract: Berkeley Fire Medical Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Herbert Gene Hern, MD to serve as the Berkeley Fire Medical Director for five years from July 1, 2022 until June 30, 2027 in the amount not to exceed \$400,000.  
**Financial Implications:** See Report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,639–N.S.

## Consent Calendar

- 10. Contract: Statewide Prevention and Early Intervention Project FY2023 Participation Agreement – California Mental Health Services Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter into a Participation Agreement for FY2023 and any amendments with the California Mental Health Services Authority (CalMHSA) to allocate Mental Health Services Act (MHSA) funds in the amount of \$70,907 to participate in the Statewide Prevention and Early Intervention (PEI) Project, for a total amount not to exceed \$70,907 through June 30, 2023.  
**Financial Implications:** Mental Health Services Act Fund - \$70,907  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,640–N.S.
- 11. Contract: Resource Development Associates Specialized Care Unit and Community Crisis Response Services Program Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Resource Development Associates (Contractor) to design and implement an evaluation for program effectiveness of the Specialized Care Unit and Community Crisis Response Services (Bridge Services). Services will begin on January 1, 2023 and extend to June 30, 2025 in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,641–N.S.
- 12. Contract: Bonita House for Specialized Care Unit Provider**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Bonita House (Contractor) to implement Berkeley’s Specialized Care Unit for a two-year pilot. Services will begin on February 1, 2023 and extend to January 30, 2025 in an amount not to exceed \$4,500,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,642–N.S.

## Consent Calendar

**13. Reserving Predevelopment Funds for the Development of Affordable Housing at the North Berkeley BART Station**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Reserving \$500,000 for the selected development team to support the development of affordable housing at the North Berkeley BART site, contingent on the team's selection and approval by the BART Board at its December 1, 2022 meeting, and the team's timely submission of a completed predevelopment application demonstrating they meet the City's funding criteria. 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,643–N.S.

**14. Contract: California Constructores for Ohlone Park (East) Playground Replacement and Site Improvements Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Ohlone Park (East) Playground Replacement and Site Improvements Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, California Constructores; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with California Constructores, for the Ohlone Park (East) Playground Replacement and Site Improvements Project at 1933 Hearst Avenue, in an amount not to exceed \$1,120,344 which includes a contract amount of \$933,620 and a 20% contingency in the amount of \$186,724.

**Financial Implications:** Various Funds - \$1,120,344

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,644–N.S.

## Consent Calendar

### 15. **Contracts: Consultants for On-Call Transportation Planning Services**

#### **From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager to execute individual contracts and any amendments, each for the period January 1, 2023 through June 30, 2028 for a total amount of all contracts not to exceed \$5,000,000 with the following consultants for On-call Transportation Planning Services:

1. Alta Planning + Design, Inc. for an amount not to exceed \$1,000,000.
2. Community Design + Architecture for an amount not to exceed \$1,000,000.
3. Fehr & Peers for an amount not to exceed \$1,000,000.
4. NN Engineering, Inc. for an amount not to exceed \$1,000,000
5. Toole Design Group, LLC for an amount not to exceed \$1,000,000.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 70,645–N.S. (Alta Planning); Resolution No. 70,646–N.S. (Community Design); Resolution No. 70,647–N.S. (Fehr & Peers); Resolution No. 70,648–N.S. (NN Engineering); and Resolution No. 70,649–N.S. (Toole Design).

### 16. **Contracts: On-Call Architectural Services: ELS Architecture and Urban Design; Noll & Tam Architects; and Siegel & Strain Architects**

#### **From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call architectural design services in support of the City's annual Facilities CIP program, each from January 1, 2023 through December 31, 2025:

1. ELS Architecture and Urban Design (ELS), for an amount not to exceed \$3,333,334.
2. Noll & Tam Architects (N&T), for an amount not to exceed \$3,333,333.
3. Siegel & Strain Architects (SSA), for an amount not to exceed \$3,333,333.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 70,650–N.S. (ELS Architecture); Resolution No. 70,651–N.S. (Noll & Tam); and Resolution No. 70,652–N.S. (Siegel & Strain).

### 17. **Authorization for an Additional Commission on Disability Meeting in 2022**

#### **From: Commission on Disability**

**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Commission on Disability in 2022.

**Financial Implications:** None.

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

**Action:** Adopted Resolution No. 70,653–N.S.

## Consent Calendar

### 18a. Measure FF Budget Recommendation - Expanded Fire Prevention Inspection Program *(Reviewed by the Public Safety Committee)*

#### From: Disaster and Fire Safety Commission

**Recommendation:** With the risk of catastrophic wildfire steadily increasing due to climate change, the Disaster and Fire Safety Commission (DFSC) recommends prioritizing wildfire fuel reduction in the FY 23 and FY 24 Measure FF budget by expanding the Fire Department's Fire Prevention Inspection Program and fully enforcing the existing Fire Code to clear vegetation build-up and overgrowth within 100 feet of structures in Berkeley's Very High Fire Severity Zones (VHFSZs) (Fire Zones 2 and 3). In addition, the Fire Code would be strengthened as needed to require removal of hazardous vegetation on the entirety of properties beginning in FY 25. The program would provide for City vegetation management crews to clear vegetation where property owners opt into the program or fail to comply, with no-interest liens placed upon properties to recover direct costs upon transfer. Special emphasis should be placed on eucalyptus groves due to their high flammability and potential to create spot fires. Funding for this expanded program, together with the Fire Department's existing home inspection program, which is focused on creating defensible space around structures, would be supported by devoting 21 percent and 26 percent of Measure FF revenues for FY 23 and FY 24, respectively.

*Policy Committee Recommendation: Positive recommendation to adopt the City Manager's recommendation as presented in the companion report.*

**Financial Implications:** See Report

Contact: Keith May, Commission Secretary, (510) 981-3473

**Action:** See action for Item 18b.

### 18b. Companion Report: Measure FF Budget Recommendation – Expanded Fire Prevention Inspection Program *(Reviewed by the Public Safety Committee)*

#### From: City Manager

**Recommendation:** That the Berkeley City Council reaffirms its support for the work being conducted by the Fire Department (Department) and considers the Disaster and Fire Safety Commission's (DFSC) Report during the FY24 budget process if the DFSC so chooses to resubmit an updated version at that time.

*Policy Committee Recommendation: Positive recommendation to adopt the City Manager's recommendation as presented in the companion report.*

**Financial Implications:** None

Contact: David Sprague, Fire, (510) 981-3473

**Action:** Approved recommendation as recommended by the Public Safety Committee.



## Consent Calendar

**19. Zero-Emission Vehicle Parking Support Letter**

**From: Environment and Climate Commission**

**Recommendation:** Refer to the City Manager to send a letter to State Assemblymember Buffy Wicks and State Senator Nancy Skinner asking them to advance a proposal to allow cities to dedicate parking spaces for Zero-Emission Vehicles (ZEVs).

**Financial Implications:** See report.

Contact: Billi Romain, Commission Secretary, (510) 981-7400

**Action:** Approved recommendation.

## Council Consent Items

**20. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

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

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Adopted Resolution No. 70,654–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Harrison - \$250; Councilmember Wengraf - \$500; Councilmember Robinson - \$250; Councilmember Humbert - \$500; Councilmember Kesarwani - \$100; Councilmember Taplin - \$500; Vice-Mayor Bartlett - \$250; Councilmember Hahn - \$300.

## Action Calendar – Public Hearings

### 21. 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 the first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

- BMC Section 23.108.020 (Zoning Districts)
- BMC Section 23.202.020 (Allowed Land Uses)
- BMC Section 23.202.140 (R-SMU District)
- BMC Section 23.204.150 (R-BMU District)
- BMC Section 23.204.020 (Allowed Land Uses)
- BMC Section 23.204.060 (C-U District)
- BMC Section 23.204.080 (C-E District)
- BMC Section 23.204.100 (C-SA District)
- BMC Section 23.206.040 (Use-Specific Regulations)
- BMC Section 23.406.050 (Variances)
- 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. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,850-N.S. with the authorization for staff to correct section numbering as needed. Second reading scheduled for January 17, 2023.

**Vote:** All Ayes.

## Action Calendar – New Business

### 22. FY 2022 Preliminary Year End Status

**From: City Manager**

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

**Action:** Presentation made. See action on Item 23.

## Action Calendar – New Business

**23. Amendment: FY 2023 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the amount of \$176,583,851 (gross) and \$170,322,312 (net).

**Financial Implications:** See Report.

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

**Action:** 11 speakers. M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,851-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the revised amounts of \$178,289,951 (gross) and \$172,028,412 (net) and as revised in Supplemental Communications Packet #2 by the City Manager and the Mayor including the revisions recommended by the Budget & Finance Committee. Second reading scheduled for January 17, 2023.

**Vote:** All Ayes.

**24. Status Report - Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention**

**From: City Manager**

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

**Action:** M/S/C (Arreguin/Wengraf) to continue the item to January 17, 2023.

**Vote:** All Ayes.

## Councilmember Action Items

**25. Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project**

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

**Recommendation:** Adopt a Resolution in support of a Trip Reduction Alternative to be included in the scope of the Environmental Impact Report for the Berkeley High School Tennis and Parking Structure Project at 2000 Bancroft Way, and send a copy of Resolution to the Berkeley Unified School District (BUSD) Board of Directors.

**Financial Implications:** None

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

**Action:** Item continued to January 17, 2023.

**Public Comment – Items Not Listed on the Agenda - 3 speakers.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:58 p.m.

## **Communications**

### **North Berkeley BART Development**

1. 9 similarly-worded form letters
2. genetic@igc
3. David Brandon
4. Donna DeDiemar
5. Barbara Fisher

### **Eviction Moratorium**

6. Robert Bahme
7. Kathleen Lee Verani
8. Sarah Davis
9. Ron Edwards
10. Misha

### **Cost/Benefit Analysis of City Policies**

11. Barbara Gilbert

### **Water Leak at Acton and Delaware**

12. Gavin Tyler

### **Undemocratic Process**

13. Ben and Sarah Davis

### **Cyclist Traffic Safety**

14. Marc Hedlund

### **National Whistleblower Center**

15. Boona Cheema
16. Christoverre Kohler

### **Horizons Shelter and SPARK Lease**

17. Elana Auerbach
18. Boona Cheema

### **No Right Turn on Red**

19. Michael Frantz

### **Indigenous Liberation**

20. Sophie

**Draft Housing Element**

21. Michael Trujillo, on behalf of East Bay Community Law Center

**Berkeley High School Coach**

22. Ramona Parks

**Supplemental Communications and Reports 1**

**Item #6: City of Berkeley 2023 State and Federal Legislative Platform**

23. Supplemental communications, submitted by the City Manager's Office

**Item #8: Interactive Kiosk Experience (IKE) Smart City Kiosk Locations Phase Two**

24. Luis Valdivia, on behalf of the Holiday Inn Express and Suites

**Item #23: Amendment: FY 2023 Annual Appropriations Ordinance**

25. Cecilia Lunaparra

**Supplemental Communications and Reports 2**

**Item #8: Interactive Kiosk Experience (IKE) Smart City Kiosk Locations Phase Two**

26. Charlene Woodcock

27. Gael Alcock

28. Michael Weber

29. Summer Brenner

30. Geri McGilvray

31. Cliff Romig, on behalf of Donkey and Goat Winery

32. Carol Denney

33. Joan Ellis and Patrick Hooker, on behalf of Babette Café

34. Mary Curtis Ratcliff

35. Jane Kitchel

36. Phil Allen

37. Laurie Baumgarten

**Item #23: Amendment: FY 2023 Annual Appropriations Ordinance**

38. Supplemental material, submitted by Mayor Arreguin

39. Revised material, submitted by the City Manager's Office

40. Ben Gerhardstein, on behalf of Walk Bike Berkeley

41. Jeremy Benin Yap

42. Brandon Yung (2)

43. Sharanya Sahu (2)

44. Kendra Levine

45. Grayson Savoie

46. Csilla Kenny

47. Jonathan Walden (2)

48. Chris Lee-Egan (2)

49. Warren Wells

50. Jordan Burns

51. Linsy Damashek

**Time Critical**

52. Time critical item, submitted by Councilmember Hahn

**Supplemental Communications and Reports 3**

**City Manager Comments**

53. Workforce Analysis, "A Hiring Crisis Amidst The Great Resignation"

**Item #8: Interactive Kiosk Experience (IKE) Smart City Kiosk Locations Phase Two**

54. Visit Berkeley & Berkeley Film Office

55. Donna Mickleson

56. Mary Lee Noonan

57. Carol Denney (2)

58. Larry Hendel

59. Steve Wasserman, on behalf of Heyday Books

**Item #13: Reserving Predevelopment Funds for the Development of Affordable Housing at the North Berkeley BART Station**

60. David Lerman

**Item #23: Amendment: FY 2023 Annual Appropriations Ordinance**

61. Presentation, submitted by the City Manager's Office

62. Nicholas Heller

63. Rebecca Mirvish

64. Elana Auerbach (2)

65. Diana Bohn

66. Bill Press

67. Nora Shourd

**Item #24: Status Report – Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Needs Attention**

68. Geoff Lomax