



Office of the City Manager

CONSENT CALENDAR  
May 23, 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 April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 11, 2023 - Regular Council Meeting
2. April 13, 2023 - Special Closed Council Meeting
3. April 17, 2023 – Special Closed Council Meeting
4. April 25, 2023 - Special Council Meeting
5. April 25, 2023 - Regular Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 11, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

*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 encouraged. 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).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1606544287>. 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 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 160 654 4287. 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:** 6:07 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 6:10 p.m.

Councilmember Kesarwani present at 6:25 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 Tom Dalzell, Local Author
2. Recognition of Armenian Genocide Remembrance Day, April 24, 2023
3. Recognition of Holocaust Remembrance Day, April 16, 2023
4. Adjourned in memory of Daniel Waldmen, Local Architect
5. Adjourned in memory of Karen Hemphill, former Berkeley Unified School District Board Member

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 10 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 Declaring Daniel Ellsberg Week.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Humbert pursuant to Government Code Section 54954.2(b)(2) entitled Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs).

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 34 speakers.

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

**Vote:** All Ayes.

### **Urgent Item: Declaring Daniel Ellsberg Week**

**From: Councilmember Hahn (Author)**

**Recommendation:** Adopt a Resolution declaring April 24-30, 2023 as Daniel Ellsberg Week.

**Financial Implications:** None.

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

**Action:** Mayor Arreguin, and Councilmembers Harrison and Humbert added as co-sponsors. Adopted Resolution No. 70,752–N.S.

### **Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs)**

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

**Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

**Recommendation:** Send a letter to Assemblymembers Friedman and Wicks in support of AB 645 (Friedman) and requesting that Berkeley be added to the list of cities the bill would authorize to establish a Speed Safety System Pilot Program.

**Financial Implications:** Staff time

Contact: Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

**Action:** Approved recommendation.

## **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 14 (regular), February 21 (special), February 27 (closed and special), February 28 (special and regular), March 13 (closed), March 14 (special and regular), March 20 (special) and March 21 (special and regular).

**Financial Implications:** None

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

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

## **2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 11, 2023**

**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:** General Fund - \$120,000

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

**Action:** Approved recommendation.

## Consent Calendar

- 3. Contract No. 31900273 Amendment: Bay Area Community Services North County Housing Resource Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Contract No. 31900273 with Bay Area Community Services (BACS) North County Housing Resource Center (HRC) by increasing the not to exceed amount (NTE) by \$80,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$11,410,274 to \$11,490,274.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,753–N.S.
- 4. Contract: JSI Research & Training Institute, Inc. for Community Health Assessment, Innovation, and Improvement Plan Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with JSI Research & Training Institute, Inc. to serve as a Community Health Assessment, Innovation, and Improvement Plan consultant for the City of Berkeley’s Health, Housing, and Community Services (HHCS) Department from May 1, 2023 to May 1, 2025 in an amount not to exceed \$249,413.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,754–N.S.
- 5. Contract: Easy Does It for Provision of Wheelchair Van Service for Seniors & the Disabled**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or her designee, to execute a contract and any amendments with Easy Does It in the amount of \$175,000 for the period of July 1, 2023 through June 30, 2026 for the provision of accessible wheelchair van services to clients of the Aging Services Division’s Berkeley Rides for Seniors & the Disabled program.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,755–N.S.
- 6. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$150,000, with a contract end date of June 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,756–N.S.

## Consent Calendar

- 7. Contract No. 32000224 Amendment: GovtInvest Labor Costing, Pension & OPEB Analysis Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000224 with GovInvest for a labor costing, pension and OPEB (Other Post-Employment Benefits) analysis software system, increasing the amount of the contract by \$150,000 to cover 3 years of subscription access to this service for a revised total contract amount not to exceed \$200,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,757–N.S.
- 8. Side Letter of Agreement – Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association (PTRLA) to modify Section 15.6 of the Memorandum of Agreement regarding Hazardous Substance Special Assignment Pay. Effective July 7, 2022, employees who are regularly assigned to perform services in unhoued settings throughout the service area shall receive a three percent (3%) salary differential to their base pay for all actual hours worked in the field and performing duties in unhoued settings. This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,758–N.S.
- 9. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Additional Website Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$105,000 and a total contract value not-to-exceed \$674,300 from March 1, 2019 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,759–N.S.

## Consent Calendar

- 10. Donation: Memorial Bench at the Berkeley Marina in memory of Sophia Pritzos**  
**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 the Berkeley Marina in memory of Sophia Pritzos.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,760–N.S.
- 11. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp (CPAC), at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.  
**Financial Implications:** Measure T1 Fund - \$400,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopt first reading of Ordinance No. 7,858–N.S. Second reading scheduled for April 25, 2023.
- 12. Contract: Power Engineering Construction for the Selective Timber Pile Replacement Project at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Selective Pile Replacement Project (Bid Specification No. 23-11567-C); and 2. Accepting the bid of Power Engineering Construction as the lowest responsive and responsible bidder on the Project; 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 Power Engineering Construction, for the Berkeley Selective Piling Replacement Project, in an amount not to exceed \$3,175,000, which includes a contract amount consisting of base bid plus allowance of \$2,710,690 and a 17.13% contingency in the amount of \$464,310.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,761–N.S.

## Consent Calendar

- 13. Contract No. 10785 Amendment: West Coast Arborist, Inc for Tree Removal and Pruning Service**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$100,000 for a not-to-exceed amount of \$1,290,000.  
**Financial Implications:** 2023 Parks Tax Fund - \$1,290,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,762–N.S.
- 14. Accept Grant Funding From the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or designee, to accept the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award. The total funding awarded to the Berkeley Police Department is \$106,014 for the period July 1, 2022, to December 1, 2025. Funds for the grant will be used to enhance officer wellness and resilience by providing mental health resources.  
**Financial Implications:** See report  
 Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,763–N.S.
- 15. Support March 21, 2023 Day of Action Urging Banks to Divest from Fossil Fuel Businesses**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution that the City of Berkeley Council support the Tuesday March 21, 2023 nation-wide day of action to tell banks to divest from fossil fuel projects, and encourages Berkeley’s residents to support and participate in local actions on that date.  
**Financial Implications:** None  
 Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100  
**Action:** Adopted Resolution No. 70,764–N.S.
- 16a. Allocation of \$3 Million Over Two Years, FY 2024 and FY 2025, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).**  
*(Reviewed by the Budget and Finance Policy Committee)*  
**From: Sugar Sweetened Beverage Product Panel of Experts**  
**Recommendation:** Adopt a Resolution allocating \$3 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services’ (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission’s goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY24 and FY25. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs.



## Consent Calendar

- 16b. Companion Report: Allocation of \$3 Million Over Two Years, FY24 and FY25, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).**  
*(Reviewed by the Budget and Finance Policy Committee)*

**From: City Manager**

**Recommendation:** Adopt a Resolution allocating \$2 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$2 million will be distributed in two installments of \$1 million per year for FY24 and FY25. The funds will be distributed as follows: a. Direct the City Manager to award up to \$712,000 of the allocated funds to Berkeley Unified School District (BUSD) for the period, July 1, 2023 to June 30, 2025 through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least \$712,000 of the allocated funds for the period, July 1, 2023 to June 30, 2025 through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. For the period, July 1, 2023 to June 30, 2025, direct the City Manager to allocate \$125,000 to fund Finance Department costs for staffing and MuniServices fees and \$451,000 to HHCS/PHD for staffing, operating and consulting costs to coordinate and monitor the grant process, manage resulting contracts awarded, support activities aligned with the goal of the sugary beverage tax, including the Healthy Retail Checkout ordinance, and provide an annual presentation to the SSBPPE Commission that includes process and outcome data and updates on Finance Department fees related to the sugary drink tax for the SSBPPE Commission to inform the development of the Commission's annual report. d. Carryover any sugary drink tax revenue received in excess of \$2 million during FY24 and FY25 to be awarded for related services in FY25 – FY27.

*Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.*

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,765–N.S. as recommended by the Budget and Finance Committee to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

## Council Consent Items

- 17. Support AB 40 – Improving Ambulance Patient Offload Times**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of AB 40 (Rodriguez), which develops a 20-minute statewide standard for ambulance patient offload times. Send a copy of the Resolution to Assemblymembers Freddie Rodriguez and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,766–N.S.
- 18. Resolution to Support AB 1001**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill 1001, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,767–N.S.
- 19. Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution directing the City Manager to work with the family of the late Fred Ross Jr. to dedicate a memorial bench at the west facing edge of Cesar Chavez Park in his honor. The family of Fred Ross Jr. shall be responsible for the cost of the bench and shall be engaged in determining the location of the bench.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,768–N.S.
- 20. Support for AB 1690 (Universal health care coverage)**  
**From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Ash Kalra (D-San Jose) in support of AB 1690 (Universal health care coverage).  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

- 21. Support for AB 362 (Land value taxation study)**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Alex Lee (D-San Jose) in support of AB 362 (Land value taxation study).  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Robinson added as a co-sponsor. Approved recommendation.
- 22. Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer \$54,000 to the June, 2023 budget Process to increase personnel funding for Berkeley Community Media (BCM), advancing two current part time employees to full time.  
**Financial Implications:** \$54,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
- 23. Referral to the June 2023 Budget Process for Funding Harold Way Placemaking Project Schematic Design**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$100,000 to the June 2023 Budget Process to fund Harold Way Placemaking Project Schematic Design.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
- 24. Referral to the June 2023 Budget Process as a sole source procurement contract for Two Full-Time Social Workers for Social Justice Collaborative**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$147,000 to the June 2023 Budget Process as a sole source procurement contract for annual staffing costs associated with funding two social workers to provide low-income immigrants, asylum seekers, unaccompanied children, young dreamers, and displaced families with direct legal services and legal representation.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – None.

## Council Consent Items

**25. Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System**

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

**Recommendation:** Refer \$100,000 to the June, 2023 Budget Process to enter into a contract to design and assist with implementing a comprehensive Berkeley Police Department Early Intervention and Risk Management System to provide necessary data and help in implementing fair and impartial policing policies and public safety reimagining.

**Financial Implications:** See report

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

**Action:** Mayor Arreguin and Councilmember Robinson added as co-sponsors.

Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Harrison.

**Council Consent Items**

**26. Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevention of Displacement from Multi-Family Housing**

**From: Councilmember Harrison (Author)**

**Recommendation:** Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, investments related to the Empty Homes Tax, and administrative implementation of the proposed Berkeley Community and Tenant and Opportunity to Purchase Act (COPA/TOPA).

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 24 speakers. Councilmember Bartlett added as a co-sponsor. M/S/C (Harrison/Arreguin) to approve the recommendation revised to read as follows:

*Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, and implementation of other programs to allow purchases by the city, non-profits and or residents to maintain affordability:*

<i>Community Development Project Coordination for acquisition capacity of 3-6 additional projects per year (HHCS)</i>	<i>1.5 FTE - \$318,915*</i>  <i>*Includes \$4,500 to support office, technology, and training needs</i>
<i>Community Development Project Coordination</i>	<i>0.5 FTE - \$108,088</i>
<i>Deputy City Attorney II</i>	<i>0.35 FTE - \$101,884</i>
<i>Qualified Organization Capacity Support for two additional projects per year (in addition to existing allocation of \$100,000 to the Bay Area Community Land Trust)</i>	<i>\$50,000</i>

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

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

**Vote:** All Ayes.

## Council Consent Items

27. **Relinquishment of Council Office Budget Funds to Grant Downtown Berkeley Association (DBA) \$500 for 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose.**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure to grant Downtown Berkeley Association (DBA) \$500 for the 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,769–N.S.
28. **Resolution in Support of AB 641: Automobile dismantlers: catalytic converters**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt Resolution in support of AB 641, Automobile dismantlers: catalytic converters, amending Section 220 of the Vehicle Code to revise and expand the definition of "automobile dismantler" to include individuals illegally in possession of two or more catalytic converters.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,770–N.S.
29. **Proclaiming May as Jewish American Heritage Month**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution proclaiming May as Jewish American Heritage Month.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Councilmembers Kesarwani and Taplin added as co-sponsors. Adopted Resolution No. 70,771–N.S.

## Council Consent Items

**30. Kala Art Institute 2023 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

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

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2023, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmembers' Discretionary Funds - \$500

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

**Action:** Adopted Resolution No. 70,772–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$200; Councilmember Humbert - \$100.

## Council Consent Items

### 31. Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities

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

**Recommendation:** Refer \$250,000 to the June 2023 budget process to study and report to Council on: 1. The need for Affordable Housing in Berkeley to: a. Rehouse Berkeley's unhoused residents. b. Meet the housing needs of very low-, low- and moderate-income Berkeley residents, from less than 30% to 120% of Area Median Income (AMI). c. Significantly increase cooperative, land trust, and other Social Housing, including innovative social housing models that provide significant moderate-income housing opportunities. d. Meet the needs of low-income artists, seniors, individuals with disabilities, and other populations with unique needs. e. Potentially increase Affordable Housing, up to 100%, at North Berkeley and Ashby Bart Stations. f. Meet the City's Housing Element Affordable Housing production requirements of 5,270 units from 30%-120% AMI in a timely manner, prior to the end of the current RHNA cycle in 2031. 2. Existing and potential new programs to increase homeownership for low-income and first-time homebuyers. 3. Needs/programs to accelerate the City's Small Sites Program. 4. Existing and upcoming funds available at the local, County, Regional, State, and Federal levels to support Berkeley in meeting its Affordable and Social Housing needs and requirements. 5. Berkeley-specific funds required to meet Affordable and Social Housing needs and to produce Berkeley's RHNA-required Affordable Housing, including funds to build capacity at Land Trusts and other organizations to deliver Cooperative and Social Housing. 6. Existing sources and amounts of Funding available to meet Berkeley's Affordable and Social Housing needs and requirements. 7. Potential Bonds or other measures to secure necessary Affordable and Social Housing funds including a potential measure or measures on the November 2024 ballot, based on the success of 2018 Measure O. 8. Added costs of delaying the preservation and construction of Affordable Housing, including potential increased costs for land, financing, and construction, and the yearly/per-individual cost of providing services to Berkeley's unhoused residents. 9. Consequences of failure to meet RHNA Affordable Housing allocations in a timely manner. 10. Potential re-authorization of Measure P in November of 2024 as a permanent measure, to extend additional funding available to support rehousing the homeless. 11. Any other information related to Affordable and Social Housing in Berkeley to help inform residents and the City Council of the need for additional Affordable Housing and Affordable Housing programs and funds, and funds to rehouse the homeless.

Study to be delivered to the City Council no later than December 1, 2023 and to include a plan for Berkeley to meet its Affordable and Social Housing needs and requirements and recommendations for additional funds, programs, and other measures to meet needs over the next decade.

**Financial Implications:** See report

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

**Action:** Councilmember Wengraf added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn, and further revised to strike the second bullet from the recommendation:

- ~~Potential/needs for Berkeley to achieve 100% affordable projects (up to 120% AMI) at the North Berkeley and Ashby Bart Stations.~~



## Council Consent Items

**32. Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections From: Councilmember Wengraf (Author)**

**Recommendation:** In support of the City's Pedestrian Plan with a vision that, "Berkeley is a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages, and abilities," refer to the Fiscal Year 2024 Budget Process an allocation of \$30,000 to install "YIELD" signs at two unmarked intersections at Shasta and Queens and Quail and Queens.

**Financial Implications:** \$30,000

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

**Action:** Approved recommendation.

**33. Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

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

**Recommendation:** In support of the City's goals as stated in the "General Plan," "Local Hazard Mitigation Plan," "Pedestrian Plan," and "Community Wildfire Protection Plan", refer to the Fiscal Year 2024 Budget Process an allocation of \$150,000 for the installation of lighting, handrails and signage on paths deemed most critical for safe evacuation throughout Berkeley.

**Financial Implications:** \$150,000

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

**Action:** Approved recommendation.

## Council Consent Items

**34. Approval of the Public Bank East Bay Viability Study** *(Reviewed by the Budget & Finance Committee)*

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

**Recommendation:** Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank

*Policy Committee Recommendation: To send the item to Council with a positive recommendation.*

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Robinson/Arreguin) to approve the item and adopt Resolution No. 70,773–N.S. (Viability Study), and Resolution No. 70,774–N.S. (Resolution of Intention), as recommended by the Budget & Finance Committee.

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

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:40 p.m.

**Vote:** All Ayes.

**35. Budget Referral: Fully fund the City’s 50-50 Sidewalk Repair Program**

**From: Councilmember Humbert (Author), Councilmember Robinson (Co-Sponsor)**

**Recommendation:** Refer \$2.2 million to the FY 24 Mid-Biennial Budget Update for the purpose of fully funding clearance of the existing backlog in Berkeley’s 50-50 Sidewalk Repair Program. Refer an additional \$1 million per year (above the existing \$1 million baseline funding for sidewalk repair) to future budget processes to ensure all of Berkeley’s sidewalks are kept in a state of good repair.

**Financial Implications:** See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

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

Recess 8:38 p.m. – 8:52 p.m.

## Action Calendar – Old Business

- 36. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone** *(Continued from March 21, 2023) (Item Contains Revised Material)*  
**From:** Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)  
**Recommendation:** Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** 0 speakers. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,859–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Harrison. Second reading scheduled for April 25, 2023.  
**Vote:** All Ayes.

## Action Calendar – New Business

- 37. Unfunded Liability Obligations and Unfunded Infrastructure Needs**  
**From:** City Manager  
**Recommendation:** That the City Council takes the following actions:  
1. Accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report;  
2. Receive a presentation on Pensions and Other-Post Employment Benefits tonight and provide staff with direction;  
3. Schedule for either the April 25, 2023 City Council Meeting or at a later date to be determined a presentation and discussion on Unfunded Infrastructure Needs.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** 0 speakers. M/S/C (Arreguin/Hahn) to refer Item 37 to the Agenda & Rules Committee for future scheduling.  
**Vote:** All Ayes.
- 38a. Recommendation for RV Lot and Waste Management on Streets for RVs**  
**From:** Homeless Services Panel of Experts  
**Recommendation:** The Homeless Services Panel of Experts recommends to Council that they refer to staff to expedite all efforts to identify a location for another RV lot(s) to take the place of the now closed SPARK lot at 742 Grayson and that the new lot identified require mandatory safety inspections and fire extinguishers to be provided. The Homeless Services Panel of Experts further recommends that Council refer to staff to develop a waste management plan to be implemented for RVs currently on the streets.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

## Action Calendar – New Business

**38b. Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs**

**From: City Manager**

**Recommendation:** Refer the Homeless Services Panel of Experts' recommendation to identify and expedite a new safe RV parking location/program and develop a waste management plan for RVs on the streets to the Budget and Finance Policy Committee for consideration alongside all other homeless services priorities in the budget process.

**Financial Implications:** See report

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

**Action:** Item 38b moved to Consent Calendar. Approved recommendation.

**39a. Referral of two health educator positions to the COB FY 2024 budget process**

**From: Peace and Justice Commission**

**Recommendation:** Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

**Financial Implications:** See report

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

**39b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process**

**From: City Manager**

**Recommendation:** Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation.

**Financial Implications:** None

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

**Action:** Item 39b moved to Consent Calendar. Approved recommendation.

## Information Reports

**40. Environment and Climate Commission 2023 Work Plan**

**From: Environment and Climate Commission**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 4 speakers.**

## Adjournment

Adjourned at 11:40 p.m.

## Communications

### Unhoused Attacking Community Members

1. Diana Lui, Creative Director, Asha Tea House
2. Sergeant Kevin Kleepe, Community Service Bureau, Special Response Team with City of Berkeley Police Department (2)
3. Anna Weinstein

### BART Development

4. Tom Athanasiou
5. Netsy Firestein
6. Stephanie Roth
7. Gerry Tierney
8. Greg Castillo
9. Matthew Wadlund
10. Pablo Diza-Gutierrez
11. Julie Goldobin
12. Lee Bishop
13. Andrea Horbinski
14. Teresa Clarke

### Golden Bear Housing

15. Peter Radu, Manager of Neighborhood Service
16. Becca Sullivan

### Aquatic Park Fish Die-Off

17. Melinda Howard-Herrarte, on behalf of Northern Alameda County Group

### Gender Based Domestic Violence

18. Cameron Johnson, on behalf of Homeless Services Panel of Experts

### Recycling

19. David Lerman (2)
20. Heather Kay

### Fire Evacuation & Emergency Service Routes

21. Margot Smith, on behalf of Commission on Aging

### CDC Maternal Mortality Rates 2021

22. Carole Marasovic

### Chipper Postcard Mailer

23. David Sprague, Interim Fire Chief

### Creating Quiet Zones

24. Amir Gholi

**Add Domestic Violence Department Back to Berkeley Police Department**

25. Mee345@ (2)

**Public Comment at Council Meetings**

26. Vivian Warkentin

**Support Hybrid Meetings**

27. Ardys D.

**Garbage Rates**

28. Marilyn Kwock

29. Donna Hemmila

30. Robert Lauriston

31. Pamela Michaud

32. Eric Friedman

**Fixed Video Surveillance Cameras**

33. Hansel Alejandro Aguilar, Director of Police Accountability

34. Jen Louis, Interim Police Chief

**Senior Centers**

35. Eileen Hughes

36. Wendy Alfsen

37. Jamal Williams

**Offer to Present Center Street Greenway**

38. Kirstin Miller, on behalf of Ecocity Builders

**Harriet Tubman Apartments**

39. Moni Law

40. Christoverre Kohler

**Support for Ebike Rebate & Bike Storage**

41. Tom Lent and Liza Lutzker, on behalf of Walk Bike Berkeley

**Regulate Pesticides**

42. Maya Cohen

**Ohlone Greenway at North Berkeley BART**

43. Charles Siegel

**Golden Gate Fields/Horses**

44. Angie Bushby

45. Melissa Mangini

46. Nancy Veerhusen

47. Marisa Menedez

- 48. Dale A
- 49. Jennifer Milliken

**Residential Vacancy Rates**

- 50. Gregory Kalkanis

**Keep Innovations in Berkeley Initiative**

- 51. Wesly Jackson, on behalf of Valitor

**Banning the Retail Sale of Animals**

- 52. Laura Ide

**People's Park Anniversary Needs Porta-Potties**

- 53. Hali Hammer

**Shattuck Avenue Building Heights**

- 54. Larisa Cummings

**Berkeley Municipal Code 7.72**

- 55. Narelia

**Fraudulent Sale of 1590 Oregon to Avoid Taxes**

- 56. George Wolff

**Tibetan National Flag Raising Ceremony**

- 57. Jinpa Tharchin, on behalf of Tibetan Association of Northern California

**Berkeley's Mansion Tax**

- 58. Fred Dodsworth

**American For Responsible Technology**

- 59. Vivian Warkentin

**Restore and Daylight Strawberry Creek**

- 60. Pamela Drake

**Trash Pickup at Sweet Green Restaurant**

- 61. Chris Cook

**Proclamation for 100 Years of Age Berkeley Resident**

- 62. Berkeley's Mayor Office

**Storm Situation Update for March 27 to March 28, 2023**

- 63. Dee Williams-Ridley, City Manager

**URL's Only**

- 64. Vivian Warkentin (4)
- 65. Fred Dodsworth

## Supplemental Communications and Reports 1

### **Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**

- 66. Louis Freedberg

### **Item #29: Proclaiming May as Jewish American Heritage Month**

- 67. Eric Friedman

### **Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements**

- 68. Supplemental material, submitted by Councilmember Hahn

### **Item #33 & #35: Budget Referrals: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network AND Fully Fund the City's 50-50 Sidewalk Repair Program**

- 69. Ken Hecht
- 70. Sandy Young and Timothy Moder
- 71. Hayne Leland
- 72. David Esler
- 73. John Vias

### **Item #36: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor/Management Conflict in Berkeley Marina Zone**

- 74. Revised material, submitted by Councilmember Harrison

## Supplemental Communications and Reports 2

### **Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**

- 75. Margo Feinberg (2)

### **Item #25: Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System**

- 76. Revised material, submitted by Councilmember Harrison

### **Item #29: Proclaiming May as Jewish American Heritage Month**

- 77. Melissa Chapman

### **Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements**

- 78. Supplemental material, submitted by Councilmember Hahn
- 79. Xavier Johnson



**Item #32: Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections**

80. John Sterns

81. Arshad (Paku) Khan

**Item #33 Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

82. Tamara Gurin

**Urgent Item: Declaring Daniel Ellsberg Week**

83. Submitted by Councilmember Hahn

**Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs)**

84. Submitted by Councilmember Humbert

**Supplemental Communications and Reports 3**

**Item 22: Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media**

85. Helen Walsh

**Item #26: Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevent of Displacement from Multi-Family Housing**

86. Igor Tregub, on behalf of CADEM Renters Council

**Item #33: Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**

87. Tina de Benedictis

88. Kathy Baylor

89. Beth Feingold

90. Sandra Curtis

91. Jacqueline Wilson

92. Madeline Jay

93. Boseanne Packard

94. Carol Hirth

95. Michael Travis and Linda Skory

96. Nancy Rader

97. Charlene Woodcock

98. Ednah Beth Friedman

99. Robert Dering

100. Nancy Rubin

101. Phyllis Rothman

102. Lizbeth Langston

103. Kay Englund

104. Nick Gross

105. David Hillis

106. Wayne Huber

- 107. Chris Samuel
- 108. Monika Mann
- 109. Andrea Foley
- 110. Charles Fleming
- 111. Johan Dowdy
- 112. Sarah Watts
- 113. Judy Krolikowski
- 114. Tamara Gurin
- 115. Elizabeth Crews
- 116. 133 similarly-worded form letters

**Item 34: Approval of the Public Bank East Bay Viability Study**

- 117. Roger Hallsten
- 118. Kathryn Snowden
- 119. Jenny Wenk
- 120. Laura Klein

**Urgent Items**

**Urgent Item: Declaring Daniel Ellsberg Week**

- 121. Mary Rose

**Miscellaneous Items**

**Current Events**

- 122. Eid

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**THURSDAY, APRIL 13, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

*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 encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618017241>. 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 **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: 161 801 7241. 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 and applicable Executive Orders as issued by the Governor that are currently in effect. 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.*

## Preliminary Matters

**Roll Call:** 3:05 p.m.

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

**Absent:** Kesarwani, Taplin

Councilmember Taplin present at 3:09 p.m.

Councilmember Kesarwani present at 5:00 p.m.

**Public Comment - Limited to items on this agenda only – 25 speakers**

## CLOSED SESSION:

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

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

a. **Title of position to be filled:** Fire Chief

**Action:** No reportable action taken.

b. **Title of position to be filled:** Chief of Police

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

Adjourned at 7:00 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on April 13, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1.b.: Public Employee Appointments Pursuant to Government Code Section 54957(b) b. Title of position to be filled: Chief of Police**

1. Starchild
2. Trach Rosenberg
3. Janice Schroeder
4. Diana Bohn
5. Elizabeth Ferguson
6. Phoebe Anne Sorgen
7. Zipporah Collins
8. Mary Ann Meany
9. Jack Kurzweil
10. Kelly Hammargren
11. Cindy Shamban
12. Sally Nelson
13. Tobey Wiebe
14. Holly Scheider
15. Todd Andrew (2)
16. Karl Knobler
17. Elena Auerbach
18. Catherine Huchting
19. Max Ventura

## Supplemental Communications and Reports 3

**Item #1.b.: Public Employee Appointments Pursuant to Government Code Section 54957(b) b. Title of position to be filled: Chief of Police**

20. Hansel Aguilar
21. Mati Teiblum
22. Moni Law
23. Cat Zavis
24. Summer Brenner
25. Debbie Perkins-Kalama
26. Diana Bohn (2)
27. Mary-Lee Kimber Smith
28. Paul Lee

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, APRIL 17, 2023**

**3:00 P.M.**

CYPRESS ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

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## Preliminary Matters

**Action:** M/S/C (Arreguin/Robinson) to approve the request of Councilmember Harrison to participate in the meeting remotely for just cause pursuant to the Brown Act as amended by AB 2449.

**Vote:** All Ayes.

**Roll Call:** 3:15 p.m.

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

**Absent:** None

**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. *In Re: National Prescription Opiate Litigation*, United States District Court, Northern District of Ohio, Eastern Division, MDL 2804, Case No. 1:17-MD-2804. Discussion and direction whether to register as an eligible Non-Litigating Subdivision to participate in the nationwide settlements that are proposed to resolve all opioids litigation brought by states and local political subdivisions against three pharmacy chains—CVS, Walgreens, and Walmart—and two manufacturers—Allergan and Teva. <https://oag.ca.gov/opioids> and <https://nationalopioidsettlement.com/>

**Action:** No reportable action taken.

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

**Action:** No reportable action taken.

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

Property address:	3100 Adeline Street, Berkeley, California (Ashby BART)
Agency Negotiators:	Dee Williams-Ridley, City Manager; LaTanya Bellow, Deputy City Manager; Jordan Klein, Director of Planning & Development; Lisa Warhuus, Director of Health, Housing & Community Services
Negotiating parties:	City of Berkeley; Bay Area Rapid Transit District
Property owner:	City of Berkeley
Under negotiation:	Price and terms

**Action:** No reportable action taken.

Councilmember Kesarwani absent 5:42 p.m. – 6:58 p.m.

**3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renee Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F. (Fire Officers), Berkeley Fire Fighters Association, Local 1227 I.A.F.F. (Firefighters); Berkeley Police Association

Councilmember Harrison absent 5:52 p.m. – 6:58 p.m.

Councilmember Wengraf absent 6:28 p.m. – 6:58 p.m.

Councilmember Taplin absent 6:35 p.m. – 6:58 p.m.

Councilmember Hahn absent at 6:58 p.m.

**Action:** No reportable action taken.

**OPEN SESSION:**

No reportable action taken.

**Adjournment**

Adjourned at 6:58 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on April 17, 2023.

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Mark Numainville, City Clerk



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

**Tuesday, April 25, 2023  
5:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

*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 encouraged. 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).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1606229605>. 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 **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 622 9605**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

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

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

**Absent:** Kesarwani, Bartlett

Councilmember Bartlett present at 5:29 p.m.

Councilmember Kesarwani present at 5:38 p.m.

## Action Calendar – New Business

- 2023 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**  
**From:** City Manager  
**Recommendation:** Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals and adopt a Resolution approving the list of prioritized referrals to city staff.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,775–N.S. approving the list of prioritized referrals with the following amendments.
  - #7 BUSD Service Requests - moved to short term list
  - #33 All-Home CA - moved to short term list
  - #44 Residential Renovations - referred to the Objective Standards Project
  - #30 West Berkeley Service Center - removed from the list
  - #47 AC Transit Agreement - removed from the list**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:19 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item #1: 2023 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

1. Presentation, submitted by the City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
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## Preliminary Matters

**Roll Call:** 6:19 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. Official Welcome for Mayor Victor Hugo Tejada of Las Vegas, Santa Barbara, Honduras
2. Recognition of the 100<sup>th</sup> Birthday of Obeline Shelton
3. Recognition of Daniel Ellsberg Week
4. Adjourn in Memory of Eleanor Walden, Local Activist and Former Rent Board Commissioner
5. Adjourn in Memory of Elliot Halpern, Local Activist

### City Manager Comments:

The City Manager provided an update on the Reimagining Public Safety Project and the Homeless Response Team.

**Public Comment on Non-Agenda Matters:** 9 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 12 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,858-N.S. authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp, at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Measure T1 Fund - \$400,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,858–N.S.
- 2. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,859-N.S. Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted second reading of Ordinance No. 7,859–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 2023**  
**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:** General Fund - \$2,035,590  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 4. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to Hire Additional Firefighters**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from FEMA for up to \$5,093,748 with no matching City funds to hire six additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,776–N.S.
- 5. Extension of the Alameda County Abandoned Vehicle Abatement Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the extension of the Alameda County Abandoned Vehicle Abatement Program through May 31, 2033, and directing the City Manager to take any actions necessary, including executing any resultant agreements, to extend this program and secure related funding.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,777–N.S.
- 6. Revenue Contract: Alameda County for Vector Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Alameda County for the Vector Program in the Environmental Health Division of the Health, Housing, and Community Services Department; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$1,050,000 for FY2022 through FY2024 to be deposited in Fund 325 (Vector Control); and implement the projects and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,778–N.S.

## Consent Calendar

- 7. Contracts: Freitas Landscaping and Pacific Site Management for On-Call Vegetation Management Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for on-call landscape vegetation management and removal in City-owned parks, pathways, and landscaped areas over a period of three years, with an option to extend the contract for two additional one-year terms, for a total amount not to exceed \$1,200,000: 1. Freitas Landscaping and Maintenance, for an amount not to exceed \$600,000; and 2. Pacific Site Management, for an amount not to exceed \$600,000.  
**Financial Implications:** Various Funds - \$1,200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,779–N.S. (Freitas) and Resolution No. 70,780–N.S. (Pacific Site).
- 8. Contracts: Redwood Engineering and OBS Engineering for As-Needed Irrigation Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for irrigation repair and improvement services as-needed, for contract periods of May 15, 2023 to May 15, 2026: 1. Redwood Engineering Construction, for an amount not to exceed \$100,000; and 2. OBS Engineering Incorporated, for an amount not to exceed \$100,000.  
**Financial Implications:** Various Funds - \$200,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,781–N.S. (Redwood) and Resolution No. 70,782–N.S. (OBS).
- 9. Contract No. 32200178 Amendment: Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200178 with Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp, increasing the amount by \$120,000 for a total not-to-exceed contract amount of \$169,900.  
**Financial Implications:** Camps Fund - \$120,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,783–N.S.



## Consent Calendar

- 10. Grant Application: Clean California Local Grant Program – Tom Bates Fields Beautification Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application in the amount of up to \$5,000,000 to the Clean California Local Grant Program for the Tom Bates Fields Beautification Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,784–N.S.
- 11. Contract No. 31900207 Amendment: Epic Recruiting for Recruiting, Advertising, and Marketing Strategy for the Berkeley Police Department (BPD)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900207 with Epic Recruiting to provide additional recruiting and advertising services for the Berkeley Police Department, in the amount of \$100,000 for a total contract amount not to exceed \$410,000, and extending the term through April 30, 2024.  
**Financial Implications:** BPD General Fund - \$100,000  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,785–N.S.
- 12. Contract: GradeTech Inc. for Restroom in the Right of Way: Channing Way at Telegraph Ave Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Restroom in the Right of Way: Channing Way at Telegraph Ave Project (Project), Specification No. 23-11552-C; 2. Accepting the bid of GradeTech Inc. as the lowest responsive and responsible bidder; 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, for an amount not to exceed \$262,666.  
**Financial Implications:** Various Funds - \$262,666  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,786–N.S.

## Consent Calendar

- 13. Contract No. 112199-1 Amendment: Technology, Engineering and Construction, Inc., dba TEC Accutite, for Fuel Storage Tank Maintenance, Repairs, and Certification Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112199-1 with Technology, Engineering, and Construction, Inc., dba TEC Accutite, for fuel storage tank maintenance, repairs, and certification services, increasing the contract by \$164,000 for a total contract amount not to exceed \$414,000 and extending the term through June 30, 2024.  
**Financial Implications:** Various Funds - \$164,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,787–N.S.
- 14. Contract No. 112725-1 Amendment: Du-All Safety, LLC for Safety and Training Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112725-1 with Du-All Safety, LLC for continued safety training and consulting services, increasing the amount by \$250,000 for a total contract amount not to exceed \$650,000.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,788–N.S.
- 15. Fiscal Year 2024 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer’s Reports.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,789–N.S. (District No. 1982-1) and Resolution No. 70,790–N.S. (District No. 2018).
- 16. Purchase Order Amendment: Diesel Direct West, Inc. to Purchase Fuel for City Vehicles and Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for the purchase of fuel for City vehicles and equipment, increasing the combined amount by \$750,000 for a total amount not to exceed \$11,494,000.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,791–N.S.

## Consent Calendar

17. **Reject Bids for the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution rejecting all bids and authorizing the City Manager to re-advertise the work associated with the MRP Trash Capture FY 2023 Project, Specification No. 23-11556-C.  
**Financial Implications:** Staff time  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,792–N.S.

## Council Consent Items

18. **Resolution to Support AB 441**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill 441, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,793–N.S.
19. **Budget Referral: Berkeley Marina J&K Parking Lot**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$1.5 million for design and implementation of the Marina's J&K Parking Lot reconstruction.  
**Financial Implications:** General Fund - \$1,500,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
20. **Budget Referral: Berkeley Waterfront Bike Park**  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$800,000 to design and implement the construction of a Berkeley Waterfront Bike Park  
**Financial Implications:** General Fund - \$800,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
21. **Budget Referral: Dreamland for Kids Playground Design**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$300,000 for the conceptual design of the reconstruction of the Dreamland for Kids Playground at Aquatic Park.  
**Financial Implications:** General Fund - \$300,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

- 22. Budget Referral: Shorebird Park Playground Design**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Fiscal Year 2024 budget process \$200,000 for the conceptual design of the reconstruction of the Shorebird Park Playground.  
**Financial Implications:** General Fund - \$200,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 23. Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Approve the expenditure of funds, including \$1,000 from the discretionary council office budget of Vice Mayor Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on April 30, 2023, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 70,794-N.S. amended to include contributions from the following Councilmembers up to the amount listed: Councilmember Harrison - \$500; Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Robinson - \$250; Councilmember Taplin - \$250.
- 24. Referral to the June 2023 Budget Process for \$100,000 in Traffic Safety Upgrades for the MLK and Haste Intersection**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Referral to the June 2023 Budget Process for \$100,000 in traffic safety improvements at MLK and Haste.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation as amended in Supplemental Communications Packet #1 and #2 by Councilmember Harrison.

## Council Consent Items

25. **Referring \$372,000 to the June 2023 Budget Process for Staffing Costs Associated with Administering the Empty Homes Tax**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$372,000 to the June 2023 Budget Process for annual City staffing costs to administer the Empty Homes Tax: Accounting Office Specialist III (Finance) 0.25 FTE - \$38,750; Associate Planner (Rent Stabilization Board) 1 FTE - \$185,670; Office Specialist II (Rent Stabilization Board); 1 FTE - \$115,000 Mailing Costs for Outreach and Noticing (Rent Stabilization Board) \$10,000; 7.4% Overhead Costs for Counselors, General Counsel, and Office of Executive Director (Rent Stabilization Board) \$22,250.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
26. **Letter in Support of AB 73 (Idaho Stop)**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Tasha Boerner Horvath (cc: Governor Gavin Newsom, Senator Nancy Skinner, Assemblymember Buffy Wicks) in support of AB 73, which would allow bicyclists 18 years of age and older to treat all-way stop signs as yield signs.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Humbert, Arreguin; Noes – Harrison; Abstain – Wengraf.

Recess 7:50 p.m. – 8:14 p.m.

## Action Calendar – New Business

### 27. Proposition 218 Procedures and Five Year Zero Waste Rate Schedule

**From: City Manager**

**Recommendation:** 1. Adopt a Resolution approving initiation of the Proposition 218 procedures for the proposed Zero Waste Fund Five Year Rate Schedule and adding Zero Waste customers to the City's Very Low Income Refund program; and  
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

**Financial Implications:** See report

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

**Action:** 5 speakers. M/S/C (Kesarwani/Taplin) to:

1. Adopt Resolution No. 70,795–N.S. as revised in Supplemental Communications Packet #2 by the City Manager including the road maintenance allocation.

2. Adopt first reading of Ordinance No. 7,860–N.S. Second reading scheduled for May 9, 2023.

3. Request that the City Manager to return to Council in two years, after the Strategic Plan is completed, to review the rates.

4. Refer to the City Manager the four alternatives from the staff report (opt out of service; bi-weekly collection; eliminate 96 gallon bin; surcharge for 64 and 96 gallon bins).

5. Refer to the City Manager analysis of possible solutions for subsidizing smaller bin sizes.

**Vote:** All Ayes.

## Council Action Items

### 28. Project Manager/Coordinator for potential Alta Bates Hospital Closure

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

**Recommendation:** Direct the City Manager to enter into a contract with CONCUR in an amount of \$35,000 to support a Project Manager/Coordinator for the purpose of creating a strategic plan to engage Sutter Health, healthcare expertise and regional communities to alleviate the health impacts as identified in the Health Impact Analysis (HIA), completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018, by the proposed closure of Alta Bates Hospital. The contract term will be for four (4) months and will be funded from the Mayor's Office Personnel Budget.

**Financial Implications:** See report

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

**Action:** Removed from the agenda by Mayor Arreguin.

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

## Adjournment

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

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

Councilmember Wengraf absent 10:40 p.m. – 10:42 p.m.

Adjourned at 10:42 p.m.

## Communications

### **Item #20: Budget Referral: Berkeley Waterfront Bike Park**

1. Dan Leaverton (2)
2. Andrew Graham

### **2190 Shattuck**

3. 20 similarly-worded from letters
4. Eric Johnson
5. Stephanie Beechem
6. John Minot, on behalf of East Bay for Everyone
7. Claude Fischer
8. Erika Shore
9. Inger Acking

### **Potholes in Berkeley**

10. Franziska Raedeker

### **Homelessness**

11. Thom Lauret (2)

### **Keep Innovation in Berkeley**

12. Christine Shirilla, on behalf of Biocom California

### **Bus Rapid Transit on University**

13. John Caner, on behalf of Downtown Berkeley

### **Hybrid Meetings for the Disabled and Seniors**

14. Katharine Bierce

### **UA Theater**

15. Andrea Yankowski
16. Jeffrey Matucha

### **FireSafe Council**

17. Henry DeNero
18. David Sprague, Interim Fire Chief

**Paris Bans e-Scooter Rentals**

19. Bryce Nesbitt

**Support West Berkeley Youth and Seniors in Budget Revision**

20. Kiern Darkwater

**No Mail Delivery**

21. Dorothea Dorenz

**People's Park**

22. Michael Fullerton

**Support Wellness and Civility**

23. Meg Holm

**Dangerous Trees on Public Property**

24. David Lerman (2)

**South Berkeley 2023 Dilemma**

25. Carolyn Moore

**BPD Monthly Newsletter – March 2023**

26. Dee Williams-Ridley, City Manager

**Berkeley Police: Notice of Fatality, Significant or Unusual Incident**

27. Dee Williams-Ridley, City Manager (3)

**Credit Card Surcharge for Paying Trash Pickup Online**

28. Bob Kelson

**Rampant Crime in Berkeley**

29. Saji Kuman

30. Yolanda Yturralde

31. Shana Fruman

**Elected Officials Compensation**

32. Eric Swidler

33. Ally Almendarez, on behalf of City of Alameda

**Tenants Opportunity to Purchase Act (TOPA)**

34. Diana Bohn

35. Hanne Williams-Raron

36. Maria Gerdyman

**Harriett Tubman Terrace Apartments**

37. Darinxoso Oyamasela

38. Casandra Palanza



**Time and Meeting Management Ideas**

39. Barbara Gilbert

**Parking Enforcement for Bus Stops**

40. Kristin Stangl

**Women's Center**

41. Mee345@

**2580 Bancroft Way #210**

42. Leah Naomi Gonzales

**Bay Area Book Festival Leadership Transition**

43. Cherilyn Parson

**Gongju, Sister City – Dog Meat Capital of South Korea**

44. 33 similarly-worded form letters

**URL's Only**

45. Vivian Warkentin (2)

46. Brian Donahue

**Supplemental Communications and Reports 1**

**Item #20: Budget Referral: Berkeley Waterfront Bike Park**

47. Julian Foley

48. Benjamin Fry

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

49. Supplemental material, submitted by Councilmember Harrison

**Item #28: Project Manager/Coordinator for potential Alta Bates Hospital Closure**

50. Supplemental material, submitted by Mayor Arreguin

**Supplemental Communications and Reports 2**

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

51. Supplemental material, submitted by Councilmember Harrison

**Item #27: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

52. Revised material, submitted by Public Works

**Supplemental Communications and Reports 3**

**Item #20: Budget Referral: Berkeley Waterfront Bike Park**

53. Revised material, submitted by Councilmember Taplin

**Item #24: Referral to the June 2023 Budget Process for \$100,000 in traffic Safety Upgrades for the MLK and Haste Intersection**

54. Matt O'Brien

**Item #26: Letter in Support of AB 73 (Idaho Stop)**

55. Candace Hyde-Wang

**Item #27: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

56. Presentation, submitted by Public Works

57. Barbara Gilbert

**City Managers Comment Section**

58. Presentation on Homeless Response Team Update, submitted by the City Manager

**Miscellaneous**

59. Eviction Moratorium, submitted by the Berkeley Rent Board

60. Message from Eid, submitted by Eid