

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, May 2, 2023
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

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.

*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/1612900378> . 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: **161 290 0378**. 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.

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. 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: 6:12 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin

Absent: Kesarwani, Wengraf

Councilmember Kesarwani present at 6:17 p.m.

Action Calendar – New Business

1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance From: Mayor Arreguin (Author)

Recommendation:

1. Adopt a first reading of an Ordinance adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.
2. Refer the City Manager and Planning Commission if necessary to:
 - a. Include an analysis of the costs of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway;
 - b. Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
 - c. Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
 - d. Consider upzoning the C-DMU Downtown Mixed-Use District zoning to allow for an increased number of taller exceptions (at or above 180 feet in height) and explore other zoning modifications to allow for additional density as a way to offset the cost of these new labor standards.
3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to accept revised materials from Mayor Arreguin on Item 1.

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

Action: 38 speakers. M/S/C (Arreguin/Bartlett) to:

1. Adopt first reading of Ordinance No. 7,861–N.S. as revised in supplemental materials submitted at the meeting by Mayor Arreguin. Second reading scheduled for May 23, 2023.

2. Refer the City Manager and Planning Commission to:

- a) Include an analysis of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway and direct the City Manager expedite completion of this analysis;
- b) Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
- c) Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
- d) Explore zoning modifications to allow for additional density as a way to offset the cost of these new labor standards if needed.

3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance, coordination with implementing departments, notice to applicants of the new requirements, required forms, informational materials, and notice on how optional hourly contributions to the California Apprenticeship Council are calculated to satisfy the requirements in Section 13.107.040(a).

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

Adjournment

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

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

Adjourned at 8:22 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance

1. Richard Markuson, on behalf of Pacific Advocacy Group
2. Phyllis Orick
3. Melinda Howard-Herrarte, on behalf of Sierra Club

Supplemental Communications and Reports 3

Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance

4. Revised material, submitted by Mayor Arreguin
5. Cora Kapenga
6. Phyllis Orrick
7. Beli Acharya, on behalf of the Construction Trades Workforce Initiative
8. Igor Tregub, on behalf of the Alameda County Democratic Party
9. Berkeley Neighbors for Housing and Climate Action
10. Denise Pinkston, on behalf of Land Use and Policy
11. Louis Mirante, on behalf of Bay Area Council
12. Kelly Elena MacDonald, on behalf of the Building and Construction Trades Council of Alameda County
13. Kelly Hammargen
14. Julia Hutton, on behalf of the Rising Sun Center for Opportunity
15. Corey Smith, on behalf of the Housing Action Coalition