

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, May 9, 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.

*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/1603158470>. 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: **160 315 8470**. 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: 6:07 p.m.

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

Absent: Kesarwani, Arreguin

Councilmember Kesarwani present at 6:17 p.m.

Mayor Arreguin present at 6:38 p.m.

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

Ceremonial Matters:

1. Recognition of Affordable Housing Month – May 2023

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 19 speakers.

Action: M/S/C (Hahn/Robinson) to add an urgent item to the agenda regarding a new \$200,000 financial allocation to the Eviction Defense Center.

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

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

Vote: All Ayes.

Recess 7:37 p.m. – 8:00 p.m.

Urgent Item: Increase Funding to Housing Retention Program Contract
From: Mayor Jesse Arreguín

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to:

1. Allocate an additional \$200,000 to the Housing Retention Program from the Measure P General Fund balance;
2. Amend the current contract with the Eviction Defense Center (EDC) (No. 32100023) by \$200,000 for rent debt or other expenses that would enable applicants to retain housing; and
3. Amend Item #3 Amendment: FY2023 Annual Appropriations Ordinance on tonight's (May 9, 2023) Council agenda to increase the re-appropriation of committed FY 2022 funding totals by \$200,000 to reflect \$27,940,780 gross and \$29,658,924 net.

Financial Implications: See report

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

Action: Councilmembers Hahn and Robinson, and Vice-Mayor Bartlett added as co-sponsors. Adopted Resolution No. 70,796–N.S.

1. Proposition 218 Procedures and Five Year Zero Waste Rate Schedule
From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,860-N.S. amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,860–N.S.

2. Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription
From: City Manager

Recommendation: Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,797–N.S.

Consent Calendar

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

From: City Manager

Recommendation: Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

Financial Implications: See Council Report

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

Action: Adopted first reading of Ordinance No. 7,862–N.S. amended to include the \$200,000 allocation for the Eviction Defense Center adopted in the Urgent Item. Second reading scheduled for May 23, 2023.

4. **Appointment of the Fire Chief**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,798–N.S.

Consent Calendar

5. Appointment of the Police Chief

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

Financial Implications: See report

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

Recess 8:57 p.m. – 9:05 p.m.

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

Vote: All Ayes.

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

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

Action: M/S/Failed (Humbert/Kesarwani) to call for the previous question.

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

Action: M/S/Failed (Harrison/Bartlett) to continue the appointment of the Police Chief to July 25, 2023 or an earlier special meeting date.

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

Action: Moved to Action Calendar. 65 speakers. M/S/Carried (Humbert/Wengraf) to adopt Resolution No. 70,799–N.S. confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

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

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 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: Various Funds - \$7,305,000

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

Action: Councilmember Hahn noted her abstention regarding the Willard Clubhouse funding. Approved recommendation.

Consent Calendar

7. 2023 Local Housing Trust Fund Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,800–N.S.

8. Contract No. 31900263 Amendment: Rebuilding Together East Bay-North Contract Continuation Recommendation

From: City Manager

Recommendation: Adopt a Resolution: 1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,801–N.S.

9. Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

Financial Implications: Various Funds - \$75,000

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

Action: Adopted Resolution No. 70,802–N.S.

Consent Calendar

- 10. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.
Financial Implications: General Fund -\$50,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,803–N.S.
- 11. Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping. The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.
Financial Implications: General Fund - \$110,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,804–N.S.
- 12. Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions. The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.
Financial Implications: Various Funds - \$380,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,805–N.S.

Consent Calendar

13. **Contract: Hansine Fisher & Associates for Targeted Case Management and Medi-Cal Administrative Activities Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services. The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.
Financial Implications: Target Case Mgmt/Linkages Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,806–N.S.
14. **Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,807–N.S.

Consent Calendar

15. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. Maternal, Child and Adolescent Health (MCAH) Program in the projected amount of \$375,000 for FY 2024.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. Immunization Program in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. Childhood Lead Poisoning Prevention Program (CLPPP) in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. CalFresh Health Living (CFHL) Program in the projected amount of \$487,170 for FY 2024 through FY 2027.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,808–N.S. (CHDP), Resolution No. 70,809–N.S. (MCAH), Resolution No. 70,810–N.S. (Tobacco), Resolution No. 70,811–N.S. (Immunization), Resolution No. 70,812–N.S. (Public Health), Resolution No. 70,813–N.S. (Lead), Resolution No. 70,814–N.S. (CFHL).

Consent Calendar

16. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

From: City Manager

Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following four revenue agreements:

1. Foster Care Program in the projected amount of \$96,500 for Fiscal Year 2024.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for Fiscal Year 2024.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2024.
4. Tobacco Prevention Program in the projected amount of \$78,960 for Fiscal Year 2024.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,815–N.S. (Foster Care), Resolution No. 70,816–N.S. (Berkeley High), Resolution No. 70,817–N.S. (School Linked), Resolution No. 70,818–N.S. (Tobacco).

17. Accept California Strengthening Public Health Initiative Funds from the State of California

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,819–N.S.

18. Establish Classification and Salary: Electrical Supervisor and Communications Supervisor

From: City Manager

Recommendation: Adopt two Resolutions:

1. Establishing the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
2. Establishing the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,820–N.S. (Electrical Supervisor), Resolution No. 70,821–N.S. (Communications Supervisor).

Consent Calendar

- 19. Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy**
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 Mortar Rock Park in memory of Charles D. Sooy.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,822–N.S.
- 20. Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.
Financial Implications: Various Funds - \$2,000,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,823–N.S. (AnchorCM), Resolution No. 70,824–N.S. (Park Engineering).
- 21. Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division’s Online Registration System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division’s online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.
Financial Implications: Various Funds - \$360,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,825–N.S.
- 22. Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.
Financial Implications: CIP Fund - \$1,338,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,826–N.S.

Consent Calendar

- 23. Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,827–N.S.
- 24. Contract No. 32000180 Amendment: Missionmark for Audit Management and Recommendation Tracking Software**
From: Auditor
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Adopted Resolution No. 70,828–N.S.
- 25. Approval of Additional Disaster and Fire Safety Commission Meeting**
From: Disaster and Fire Safety Commission
Recommendation: Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2023.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Adopted Resolution No. 70,829–N.S.

Action Calendar – Public Hearing

- 26. FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**
From: City Manager
Recommendation: Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- Action:** M/S/C (Arreguin/Harrison) to reschedule the budget public hearing to a special meeting on May 16, 2023 at 4:00 p.m. including supplemental material submitted by the City Manager’s Office.
Vote: All Ayes.

Action Calendar – Public Hearings

27. Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and 4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and 5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A to the report, and 6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and; 7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

Financial Implications: See report

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

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

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

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

Councilmember Harrison absent at 11:21 p.m.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,830–N.S.

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

Action Calendar – New Business

28. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements

From: City Manager

Recommendation:

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution No. 70,156-N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Action: 1 speaker. M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 70,831–N.S.

2. Adopt first reading of Ordinance No. 7,863–N.S. Second reading scheduled for May 23, 2023.

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

Information Reports

29. FY 2023 Second Quarter Investment Report: Ended December 31, 2022

From: City Manager

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

Action: Received and filed.

30. Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance

From: City Manager

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

Action: Received and filed.

Information Reports

31. **LPO NOD: 1919 Addison Street, #LMSAP2022-0012**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
32. **LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speaker.

Adjournment

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

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

Adjourned at 11:29 p.m.

Communications

Item #5: Appointment of the Police Chief

1. April Gilbert

Rampant Crime in Berkeley

2. Kimberly Damer
3. Dee Williams-Ridley
4. Rika Yamamoto
5. Alene Griffin
6. Nidhi Bhatnagar
7. Colleen Aitken
8. Li Kelty
9. Alan Jencks
10. Robin Kibby

UA Theater

11. Jennifer Renzi
12. Warren Long
13. Anthony Verruso
14. Kurt Landisman
15. Spreck Rosekrans
16. Wendy Stock

Golden Gate Fields

- 17. Christopher Kroll
- 18. Melanie Lawrence
- 19. Helen Cameron
- 20. Lisa Fitch

Vision Zero for San Pablo Avenue

- 21. Benjamin Fry
- 22. Kevin Burke

Recycling Programs

- 23. David Lerman
- 24. Martin Bourque

Bike Lanes for 1307 Dwight Way

- 25. Laurel and Ben Kuchinsky (2)

Parking Restrictions at James Kenney Community Center

- 26. Johsua Buchin

Berkeley Animal Care Services

- 27. Kristen Anderson
- 28. Leslie Smith

Porta Potties at People's Park

- 29. Nancy Schimmel
- 30. Summer Brenner
- 31. Wynd Kaufmyn

Loud Music at The Tap In Lounge – 2012 Shattuck Avenue

- 32. Keiti Hashimero

Protect our Sacred Ohlone Sites

- 33. Susan Nunes Fadley

Invitation to Berkeley High School U9 Climate Conference

- 34. Zia Grossman-Vendrillo

Lack of Communications – City Services

- 35. Scott Schwalbach

Berkeley Waterfront

- 36. Jack Kurzweil

Homelessness

- 37. Thom Lauret

Build, Build, Build Mentality

38. Barbara Gilbert

Solar Lights Requested at UC Berkeley Along Bancroft

39. Sandy Shaw Friedman

Impending Foxtail Disaster

40. Chelonii11059@

City of Berkeley Requirement Increases Cancer Among Residents

41. Daniel Auten

Step Up Housing Memo

42. Lisa Warhuss, Director of Health, Housing and Community Services (HHCS)

Traffic Safety on Francisco Street between Sacramento and MLK Jr. Way

43. David Lerman

2920 Shattuck

44. Larisa Cummings (2)

45. Sharon Gong

Support Budget Referral for Berkeley's Paths

46. Jen Bilik

Berkeley Ceasefire Program/Racial Profiling

47. Elana Auerbach (2)

Berkeley Police Surveillance Ordinance Policies Related to Unmanned Aerial Systems

48. Hansel Aguilar

Delays in Berkeley Police ODPa Work Production

49. Hansel Aguilar

Annual Report for Berkeley Police Equipment and Community Safety Ordinance

50. Hansel Aguilar

Natural Gas Stoves

51. John Jones

52. Tom Hanson

The YIMBY's and 50-Story Tower

53. Zelda Bronstein

Crosswalk at 6th and Addison

54. Eric Wiesner

Psychedelics Decriminalization

55. Esi Mathis

Support for African American Holistic Resource Center

56. Moni Law

In Support of The Center for Independent Living

57. Mary Behm-Steinberg, Chair of Human Welfare and Community Action Commission

Small Business Fees and Fines

58. Walter Wood

Hopkins Corridor

59. Ben Gould, Chairperson for Environmental and Climate Commission

60. Janet Jacobson-Weiss

61. Damon Guthrie

62. Marc Hedlund (2)

63. Kevin Powell

64. Eileen Hughes

65. Save Hopkins

66. Bob Flasher

67. Andrew Brozyna

68. Norma Guzman

69. Jay Sayre

70. Mario Aranha

71. Deborah Georges

72. Sandra and Tim Easley

73. Henry Pinkard

74. Susan Taylor

75. Renate Crocker

76. Paul Mileck

77. Ann Danforth

78. Mary Staats

79. Friends of Five Creeks

80. George Porter

81. Kaylene Stocking

82. Susan Taylor

83. Laura Atkins

84. Renetia Martin

85. Isobel White

86. Arlene Owseichik

87. Mitch Varhula

88. Steve Sperber

89. Margot Smith
90. Brandon Brodt
91. Elsie Wong
92. Julie Wong
93. Ben Gerhardstein (3)
94. Larry Goldman
95. David Sprague, Interim Fire Chief
96. Dorothea Dorenz
97. Byron Barrett
98. Kelly Hammargren
99. Alex Takaoka
100. Jane Diamond
101. S. Entwistle
102. Tom Mysz
103. Carol Sawdey
104. Meg Holm
105. David Gilbert
106. Ken Frankel
107. J. Brodsky
108. Bob Muzzy
109. Alan Pearson
110. Ann Rogers
111. Stephen Woodrow
112. Susan Griffin
113. Meri Issel
114. Howard Winet
115. Cherie Hearne
116. Helen Toy
117. Bobin Kibby
118. Bill Pottinger
119. Marty Rosenthal
120. Mimi Sternberg
121. Josephine Perry
122. Dee Williams-Ridley, City Manager
123. Laurel Denyer
124. Deborah Shaw
125. Leni Siegel
126. Diana Bohn
127. Dave Stark
128. Julia Moss
129. Ross Bernet
130. Ben Gerhardstein
131. Save Hopkins
132. Warren Wells
133. Andrew Little
134. Ethan Bodle

135. Helena Worthen
136. Jeremy Townsend
137. Adam Moss
138. Friends of Five Creeks
139. Kristiane Skolmen
140. Jeff Habicht
141. Rebecca Meyer
142. Rob Schwartz
143. Stewart Smith
144. Steven Wang
145. Jenna Fahle
146. Tatiana Guerreiro Ramos
147. Linda
148. Pat Hill
149. Julie Bussgang
150. Ben Thomas
151. Rosemary Clark
152. Betty Seto
153. Elise Fortin
154. Adrian
155. Em Holmes
156. Save Hopkins
157. Sarah Lefton
158. Laura Fujii
159. Emily Huston
160. Todd Andrew
161. Jenny Johnston
162. Lucas Cantor
163. Byron Barrett
164. Kathy Kosinski
165. Andrew Judd
166. Andy Peterson
167. Save Hopkins

Supplemental Communications and Reports 1

Item #1: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule

168. Chrise de Tournay

Item #5: Appointment of the Police Chief

169. Michael Weber
170. Gael Alcock
171. John Caner, on behalf of the Downtown Berkeley Association
172. John Parman
173. Arvind Melwani
174. Linda Spindler
175. Geoff

176. Allyson Arons
177. Kiran Raikar
178. Tracee Farrell
179. Satina Chiu
180. Sagar Jethani
181. Lisa Mott
182. Megan Heerding
183. Jenny Ni
184. Arvinder Bains
185. Sonia Gupta
186. Ashok Goyal
187. Any Wu
188. Elizabeth Areiza

Supplemental Communications and Reports 2

Item #5: Appointment of the Police Chief

189. Lisa Mirkovic
190. Grace Hartman
191. Paul Rickey
192. Rita Zobayan
193. Steve Choe
194. Gay and Alan Auerbach
195. Ginger Ogle
196. Ron Kelly
197. Shana Fruman
198. Elana Auerbach
199. Elle Kim
200. Andrew Fox
201. Marjorie Winter
202. Audrey Richards
203. Bob Flasher
204. Laura Louis
205. Ted Obbard
206. Ingrid Safranek
207. Shannon Curtis
208. Summer Brenner
209. Karen Bowen
210. Janice Schroeder
211. Jill McIntire
212. Tamara Gurin
213. Linda Laskowski
214. Jonathan Khuner
215. Stefano DellaVigna
216. Rachel Bradley
217. Barbara Lewis
218. Oren Leiman

219. Rachel Biale
220. Linda Schacht
221. Charlie Bowen
222. Susie Medak
223. Nancy Lemon
224. Colleen Busch
225. Richard Hackenberg
226. Elizabeth Shaughnessy
227. Mark Ferrari
228. Juli Dickey
229. Chris McKee
230. Lynne Clenfield
231. Ellen Archilla and Jacques Watteyne
232. Henry DeNero
233. Charlotte Ferrey
234. Deborah and David Kirshman
235. Susan Brand
236. Janine Jacobson
237. Suzanne McKee
238. Dennis Mulqueeney
239. Laura Louis
240. Henry DeNero, on behalf of The Hillside Association of Berkley
241. Susan Nunes Fadley
242. Jose Vilar
243. Allan Fix
244. Joan Guilford
245. Elizabeth Shun
246. Shirley Issel
247. JT Nelson
248. Jo Ann Driscoll
249. Nathan Mizell
250. Catherin Cavette
251. Richard Boyden
252. Elizabeth Ferguson
253. Sylvia
254. Michael McGowan
255. Amy LoebI
256. Jen Bush
257. Kelly Hammargren
258. Esther Brass-Chorin
259. Bryan Graham
260. Lisa Brenneis
261. Louis Fox and Nashua Kalil
262. Mike Lonergan
263. Bob Dixon
264. Betty Seto

- 265. Mary Ann Meany and Donald Santos
- 266. Rod Gutierrez
- 267. Tobey Wiebe
- 268. Sally Nelson
- 269. Charlene Woodcock
- 270. Naomi Pearce
- 271. Berkeley Police Association
- 272. John Caner, on behalf of the Downtown Berkeley Association
- 273. Lorraine Mahley
- 274. Sondra Schlesinger
- 275. Kitt Saginor
- 276. Diane Kanegae
- 277. Cecilia Lunaparra
- 278. Barry Fike
- 279. Meghan Schwartz
- 280. Rivka Polatnick
- 281. Janice Schroeder
- 282. 72 similarly-worded form letters urging confirmation of Police Chief Louis

Item #26: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1

- 283. Supplemental material, submitted by the City Manager's Office

Supplemental Communications and Reports 3

Urgent Item Agenda Material

Increase Funding to Housing Retention Program Contract

- 284. Mayor Arreguin

Item #4: Appointment of the Fire Chief

- 285. Phyllis Orrick
- 286. Nancy Rader
- 287. Bessie Chin

Item #5: Appointment of the Police Chief

- 288. Carol Cohen
- 289. Nancy Gillette
- 290. Joan Grant
- 291. George Porter
- 292. Paul Lee
- 293. Nat Kane
- 294. John Caner, on behalf of the Downtown Berkeley Association
- 295. Amanda Siegel
- 296. Linda Kanat
- 297. Todd Andrew
- 298. Cat Zavis
- 299. Julianna Muthu

300. Steven Goldin
301. Zipporah Collins
302. John Parman
303. Jeff Vincent
304. Lee Bishop
305. CC Andrews
306. Taline Kazandjian
307. Frances Wong
308. Inette Dishler
309. Andrea and Stan Washburn
310. Tom Lent
311. Rick and Tamie Dishnica
312. Martin and Jill Dodd
313. Guy Micco
314. Jane Martin
315. Willie Phillips
316. Stan Goldberg
317. Stasha Vlasuk Detjens
318. Patsy Slater
319. Michele Maguier
320. Ewald Detjens
321. League of Women Voters
322. Linda Olivenbaum
323. Bessie Chin
324. Andrea Prichett
325. Marc Sapir
326. Gina Rieger
327. Michael Frantz
328. Richard Ernie Mansfield
329. Bill Lutt
330. Julia Cato
331. Barbara Johnson
332. Mary Lee Smith
333. Mati Teiblum
334. Vincent Casalaina
335. Nancy Turak
336. Patrice Ignelzi
337. Alison Huetter
338. Bill Press
339. Nicole Powell
340. Cheryl Davila
341. Sagar Jethani
342. Tatjana Radojkovic
343. Mohammed Ganijee
344. Kelly Beres
345. Keethly McNamara

- 346. Jim Hynes
- 347. Jenn Youakim
- 348. Elisabeth Godstein
- 349. Ash Goyal
- 350. Elke Adler
- 351. Julie Sternberg
- 352. Paul Hyde
- 353. Alejandra Caldera
- 354. Amir Koopah
- 355. V. Wong
- 356. Alice Lewicki
- 357. Akash Chhabra
- 358. Sulema Hernandez
- 359. Bahar Patel
- 360. Don Arana-Fogg
- 361. Tomas Balogh
- 362. Rodney Lambert
- 363. Mary Behm-Steinberg
- 364. Rashmi Dwivedi
- 365. Christa Rybczynski
- 366. TK Alexander
- 367. Susan Payne
- 368. Guillermo Aguilar
- 369. Moni Law

Miscellaneous

- 370. Urban Ore
- 371. Eid