

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 18, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84056667405>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 840 5666 7405. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:03 p.m.

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

Absent: None

Ceremonial Matters:

1. Adjourn in memory of Steve Nadel, Local Activist
2. Adjourn in memory of Aoife Beary, Berkeley Balcony Collapse Survivor
3. Adjourn in memory of Michelle Goh, Former Berkeley Resident

City Auditor Comments:

The City Auditor noted that the equity benefits of Item 25 are a positive step, but that more funding is needed to improve citywide PCI rating.

City Manager Comments:

The City Manager provided an update of the Reimagining Public Safety process related to Priority Dispatching, the Specialized Care Unit, and BerkDOT.

The City Manager also provided an update on the recruitment for Chief of Police.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 28 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to adopt a temporary rule to limit public comment to one minute to speaker.

Vote: All Ayes.

Consent Calendar

- 1. Amendment: FY 2022 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,795-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.
Financial Implications: See report.
Contact: Rama Murty, Budget Office, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,795–N.S.
- 2. Modifying the 2022 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to account for religious and cultural holidays as determined by Resolution No. 70,066-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,177–N.S.
- 3. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.00.
Financial Implications: See report.
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,178–N.S.
- 4. Extension of Declaration of Homeless Shelter Crisis**
From: City Manager
Recommendation: Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024
Financial Implications: See report.
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,179–N.S.

Consent Calendar

- 5. Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to administer Flexible Spending Programs for Mental Health Division (BMH) programs and to provide rental subsidies for the Russell Street Residence through June 30, 2022 in an amount not to exceed \$2,824,024. This will extend the existing contract by one year and add \$916,731 in funding.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,180–N.S.
- 6. Contract No. 32100026 Amendment: Resource Development Associates for Results Based Accountability Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32100026 with Resource Development Associates (RDA) to provide additional funding in the amount of \$220,800, and extend the time period for an evaluation of mental health programs across the division utilizing the Results Based Accountability (RBA) framework, for a total not to exceed amount of \$320,700 through June 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,181–N.S.
- 7. Contract with Options Recovery for Substance Use Disorder Services Co-location**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Options Recovery Services (Options) for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,182–N.S.

Consent Calendar

- 8. Revenue Grant Agreement: Funding Support from the California Department of Public Health to Expand the Disease Intervention Specialist Workforce**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept grant funds from California Department of Public Health in the projected amount of \$465,736. This funding is to be utilized from July 1, 2021 through December 31, 2025 to expand the Disease Intervention Specialist (DIS) workforce to strengthen the public health capacity to mitigate the spread of sexually transmitted disease (STD), HIV, COVID-19 and other infections; and to execute the resultant revenue agreement, contract, and any amendments and extensions.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,183–N.S.

- 9. Revenue Grant Agreement: Funding Support from State of California Department of Justice to Design and Conduct a Program Evaluation of Programs Funded by the Sugar-Sweetened Beverage Tax**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to State of California, Department of Justice, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct program evaluation activities for the State of California, Department of Justice in the projected amount of \$19,000 for July 1, 2021 to June 30, 2023.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,184–N.S.

Consent Calendar

10. Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission

From: City Manager

Recommendation: Adopt first reading of an Ordinance:

1. Adding Section 7.72.095 to the Berkeley Municipal Code (BMC), incorporating additional membership criteria and health equity advisory responsibilities for the Sugar Sweetened Beverage Product Panel of Experts Commission (SSBPPE), and;
2. Repealing B.M.C. Sections 3.76.010-3.76.040 which established the Community Health Commission.

Financial Implications: See report.

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

Action: Moved to Action Calendar. 12 speakers. M/S/Failed (Droste/Robinson) to adopt the recommendation as written on the agenda.

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

Action: M/S/Carried (Harrison/Arreguin) to take no action on the City Council Referral to combine the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission, and to direct the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission to discuss how the work of the two commissions can be combined.

Vote: All Ayes.

Recess 8:40 p.m. – 8:51 p.m.

11. Classification and Salary: Establish Limited Term Emergency Medical Technician

From: City Manager

Recommendation: Adopt a Resolution to establish the represented classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,185–N.S.

12. Classification and Salary: Establish Single Function Paramedic

From: City Manager

Recommendation: Adopt a Resolution to establish the represented classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,186–N.S.

Consent Calendar

- 13. Revise Classification and Salary: Emergency Medical Services Quality Improvement & Education Coordinator**
From: City Manager
Recommendation: Adopt a Resolution to revise the represented classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,187–N.S.
- 14. Revise the Classification and Increase the Salary Schedule for Deputy Finance Director**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Deputy Finance Director from a maximum monthly salary of \$14,677.47 to \$16,120.00 per month effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,188–N.S.
- 15. Recommendation to Increase the Salary Schedule for Director of Health, Housing & Community Services and Director of Parks, Recreation, & Waterfront**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 69,967-N.S., Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical, to increase the salary of the Director of Health, Housing & Community Services from a maximum monthly salary of \$20,151.73. to \$21,432.00, per month and amending Resolution No. 70,107-N.S., Salary Adjustment for the Department Heads of Finance, Human Resources, Information Technology, Parks, Recreation and Waterfront, Planning, Public Works and Fire Chief, to increase the salary of Director of Parks, Recreation and Waterfront from a maximum monthly salary of \$20,987.00 to \$21,432.00 to align it with other City of Berkeley Department Heads.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,189 –N.S.

Consent Calendar

16. Commission Reorganization: Creating the Environment and Climate Commission

From: City Manager

Recommendation:

1. Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.40 (formerly Zero Waste Commission) to create the Environment and Climate Commission (ECC).
2. Adopt a Resolution rescinding Resolution No. 55,661-N.S., establishing the Berkeley Energy Commission, and Resolution 58,997-N.S., establishing the Community Environmental Advisory Commission.

Financial Implications: See report.

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

Action: Moved to Action Calendar. 17 speakers. M/S/Failed (Droste/Kesarwani) to adopt the recommendation as written.

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

Action: M/S/Carried (Hahn/Taplin) to:

1) Adopt first reading of Ordinance No. 7,796–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Taplin to retain the Zero Waste Commission as a stand-alone entity, and further amended in Section 3.82.040.A. to read “The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience. Its scope will include work to advance the goals of advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; addressing the impacts and welfare of all species, including animals, insects, and plants; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice.” Second reading scheduled for February 8, 2022.

2) Adopted Resolution No. 70,190–N.S. as revised in Supplemental Communications Packet #2 from the Planning and Development Department to delay the effective date of the resolution.

Vote: All Ayes.

Council Consent Items

17. Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District

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

Recommendation: Refer to the City Manager to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.

Considerations for a Marina Master Plan for Parking should include: Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; and Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits.

Financial Implications: See report.

Contact: Rashmi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation including revised material in Supplemental Communications Packet #1 from Councilmember Kesarwani.

Council Consent Items

18. Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

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

Recommendation: Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:

(a) A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1. (b) A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1. (c) Consideration of expanding the goBerkeley parking program to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model. (d) Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs. (e) Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc. (f) A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation including revised material in Supplemental Communications Packet #2 from Councilmember Kesarwani.

Council Consent Items

- 19. Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects**
From: Councilmember Harrison (Author)

Recommendation:

1. Refer to the June FY 23-24 budget process approximately \$1.4 to \$1.8 million in projected Transportation Network Company (TNC) User Tax General Fund revenue for FY 23 and FY 24, and the actual FY 2022 TNC Tax revenues (projected at \$576,786), toward the construction and maintenance of: i. Tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and ii. Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and iii. Priority quick-build public transit projects under the Street Repair Program.

2. Refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the Facilities, Infrastructure, Transportation, Environment, and Sustainability and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the priorities in Recommendation 1 to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

Financial Implications: See report.

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

Action: Councilmembers Hahn, Bartlett, and Taplin added as co-sponsors.
Approved recommendation.

- 20. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, honoring the 49th anniversary of its passage and reiterating Berkeley's resolve to be a safe harbor for women asserting their constitutional right to access reproductive health and safe abortion services. It is essential that the City of Berkeley be a model for other cities and re-state their support for women to be able to exercise their constitutional rights and continue to have access to critical health care services, including abortion.

Financial Implications: None

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

Action: Adopted Resolution No. 70,191–N.S.

Council Consent Items

21. **OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send the attached Resolution in opposition to the Net Energy Metering 3.0 Proposed Decision of the CPUC and supporting a Net Energy Metering Policy that continues to support the growth of local and rooftop solar to: Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Net Energy Metering (NEM) 3.0 decision issued by the CPUC on December 13, 2021 threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, interfering with Berkeley's and California's climate action and equity goals.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,192–N.S.

Action Calendar – Public Hearings

22. **Selected Recreation and Camps Program Fee Increases**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 69,892-N.S. and all amendatory resolutions.
2. Adopt a Resolution approving revised Policies and Procedures for Parks & Recreation Programs and Facilities, and rescinding Resolution No. 67,581-N.S. and all amendatory resolutions.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: All Ayes.
Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,193–N.S.
Vote: All Ayes.

Action Calendar- Public Hearings

23. **Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**
(Continued from December 14, 2021. Item contains supplemental material)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 6 speakers.

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Taplin) to adopt first reading of Ordinance No. 7,797 –N.S. as submitted by the City Manager with the amendments included in Supplemental Communications Packet #1 from Councilmember Kesarwani and further amended with regards to the three-year rolling date for ADU conversions and the addition of balconies to prohibited projections. Second reading scheduled for February 8, 2022.

Vote: All Ayes.

24. **Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**
(Continued from December 14, 2021. Item contains supplemental material)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.

Financial Implications: None

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

Action: Item 24 moved to Consent Calendar for the purpose of continuing the public hearing to January 25, 2022 including supplemental materials submitted by Councilmember Droste and Councilmember Hahn.

Action Calendar- New Business

- 25a. Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**
From: City Manager
Recommendation: Adopt a Resolution updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item 25a, 25b, and 25c continued to January 25, 2022.
- 25b. Public Works Commission Recommendation for the Five-Year Paving Plan**
From: Public Works Commission
Recommendation: Adopt a Resolution that recommends approval of the Five-Year Paving Plan version 12A (“Arterial Alternative”) for FY2023 to FY2027.
Financial Implications: See report.
Contact: Joe Enke, Commission Secretary, (510) 981-6300
Action: Continued to January 25, 2022.
- 25c. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the July 13, 2021 meeting. Item contains supplemental material)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation:
1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.
2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.
Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Continued to January 25, 2022.
- 26a. Adopt-a-Spot Program Development Recommendations**
From: Public Works Commission and Parks and Waterfront Commission
Recommendation: That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.
The programs shall promote participation and civic pride by providing a unified portal

Action Calendar – New Business

for all programs across all departments, and incorporate many of the Program Elements outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

Budget Commitment - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

Program Design - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),

Reporting Structure - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)

Supporting Tools - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

Financial Implications: See report.

Contact: Roger Miller, Commission Secretary, (510) 981-6700, Joe Enke, Commission Secretary, (510) 981-6300

Action: Moved to Consent Calendar. Amended the first paragraph of recommendation to read:

That Council adopt a Resolution to support an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.

Adopted Resolution No. 70,194–N.S. amended to delete the second resolved clause and amend the first resolved clause as written below.

Action Calendar – New Business

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley hereby adopts an expanded Adopt-a-Spot program and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.

26b. Companion Report: Adopt A Spot Program Development Recommendations From: City Manager

Recommendation: Staff appreciates the thoughtful and important Parks and Waterfront and Public Works Commissions (Joint Commission Report) Adopt-a-Spot recommendation and recommends referring it to the FY2023-FY2024 budget process for consideration with other worthy requests.

Financial Implications: See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Liam Garland, Public Works, (510) 981-6300

Action: Moved to Consent Calendar. Approved recommendation.

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

Adjournment

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

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

Councilmember Droste absent at 11:08 p.m.

Adjourned at 11:11 p.m.

Communications

2021 Local Cannabis Policy Scorecard

1. Getting it Right from the Start

BART Draft Environmental Impact Report

2. David Brandon (2)
3. Leslie Valas
4. Claudia Valas
5. Rashi Kesarwani

Brown Act Cure and Correct Demand Letter

6. Berkeley Progressive Alliance

Budget Review

7. Marc Sapir

Climate Equity Fund pilot RFP

8. Candace Hyde-Wang

Code Red Climate Event

9. Lauren Weston

COVID-19

10. Gary Hicks

11. David Lerman (2)

12. Blair Beekman

13. Navarre Oaks

Crime Suppression Unit

14. Cheryl Davila

15. Brian Witt

Elmwood Parking

16. Ron Kelly

17. Fern Burch

Emergency Shelter

18. Elana Auerbach

19. Cheryl Davila

Ferry Service

20. Terry Mandel

21. Mz Suzanne Joi

Golden Bear Inn

22. Beth Gerstein (4)

23. Lee Bishop

Gun Violence Crisis

24. Moni Law

Habitot Children's Museum

25. Marjorie Tichenor

HMIS Case Manager Assignments

26. Omowale Fowles (2)

Homeless Shelter Concerns

27. quBit.ch@protonmail.com (3)

Hopkins Corridor Project

28. Donna DeDiemar

- 29. Garry Parrish
- 30. Jeffrey Kaplan (2)

Infrastructure Survey

- 31. Bob Flasher

Interview Request

- 32. Rebecca Smith

Letters

- 33. Blair Beekman

Marin Avenue Traffic Safety

- 34. Diana Damonte
- 35. Gina Rieger
- 36. Berkeley Path Wanderers Association
- 37. Farid Javandel
- 38. Janet Byron (2)
- 39. Susan Shimm
- 40. LJ Cranmer
- 41. LaTanya Bellow

Mosquitos

- 42. Josh Beth

Newsletters

- 43. Eden I&R (2)
- 44. Alameda County Mosquito Abatement District
- 45. Downtown Berkeley Association

Nilang Gor

- 46. Karen Rubio

Parking (Spaces, Citations, Fees)

- 47. Miriam Kasin
- 48. Danielle Adams
- 49. Dorothea Dorenz

Pedestrian Push Buttons

- 50. Walk Bike Berkeley

Pedestrian Safety

- 51. Margery Eriksson

Plant-Based Food Purchase Plan

- 52. Nancy Min Ji

Plastic Bag Ordinance

53. Similarly-worded form letters (91)

Police

54. John Lindsay-Poland

55. Mike Swenson

56. Blair Beekman

Prop 68 Technical Assistance Program

57. Jane Gray

Recent City Council Agenda Items

58. Blair Beekman

Robert's Rules

59. Kitt Saginor

RV Parking

60. Jeff Vincent

61. Claire Heinzelman

62. Charlene Washington

Secure Justice Sues Berkeley, Again

63. Jack Kurzweil

Security Cameras

64. Geoff Lomax

SF Bay Area Crime

65. Blair Beekman (3)

Smoking Noncompliance

66. Carol Denney

Social Housing Pilot Study

67. Ryan Andresen

Solar Energy

68. Igor Tregub

69. Blair Beekman

State Housing Bills

70. Margot Smith

Support for Budget Referrals

71. Sierra Club

Surveillance State

72. Steve Martinot

Traffic Enforcement

73. David Lerman

74. Elisa Mikiten

Transient Occupancy Tax

75. Charles Koppelman

Tree Removal

76. Jenny Franco

77. Urban Forestry Staff

Upcoming Meetings

78. East Bay Community Energy (2)

URLs Only

79. Vivian Warkentin (3)

Vision Zero in West Berkeley

80. Similarly-worded form letters (3)

Violation of Sanctuary Contracting Ordinance

81. Elana Auerbach

Supplemental Communications and Reports 1

Item 17: Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District

82. Revised material, submitted by Councilmember Kesarwani

83. Jim McGrath

Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)

84. Supplemental material, submitted by Councilmember Kesarwani

Supplemental Communications and Reports 2

Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission

85. Martin Bourque

86. Sheila Goldmacher

87. Cindy Shamban

88. Diana Bohn

- 89. Holly Scheider, Sugar-Sweetened Beverage Panel of Experts Commission
- 90. Peter Hosemann

Item 16: Commission Reorganization: Creating the Environment and Climate Commission

- 91. Revised material, submitted by Planning and Development Department
- 92. Supplemental material, submitted by Councilmember Taplin
- 93. Alfred Twu
- 94. Martin Bourque (see #85)
- 95. Cindy Shamban (see #87)
- 96. Max Wechsler
- 97. Annette Poliwka

Item 17: Referral to the City Manager to Establish a Marine Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District

- 98. Jim McGrath

Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

- 99. Revised material, submitted by Councilmember Kesarwani

Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)

- 100. Debra Sanderson, on behalf of the ADU Task Force (East Bay)
- 101. Bryce Nesbit

Item 24: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

- 102. Supplemental Material, submitted by Councilmember Droste
- 103. Supplemental Material, submitted by Councilmember Hahn
- 104. Debra Sanderson, on behalf of the ADU Task Force (East Bay) (See #100)
- 105. Mary Ann Wenger
- 106. Jan Knecht
- 107. Jonathan Bailey
- 108. John Lawrence
- 109. Hans Jones
- 110. George Porter
- 111. Dale Rose

Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan

- 112. Ellen Archilla
- 113. Terry Nicol
- 114. Jay Harlow
- 115. John Rice
- 116. Fran Haselsteiner
- 117. Mary Lee Noonan
- 118. Kenneth Worthy
- 119. Paku Khan

120. Ray Yep
121. Penny Baron
122. Joan Lester
123. Leah & John Rosenthal
124. E Souders
125. Orville Schell
126. Jean Walrand
127. Noah Nelson
128. David Ritvo
129. Anthony & Judy Lepire
130. Frederic Fierstein
131. Rod Richardson
132. Emily Fox
133. John Harris
134. Isaac Pastor-Chermak
135. Sybil Hatch
136. Jo Ann Driscoll
137. Suzanne Stephens
138. Ann Campbell
139. Mitch Cohen
140. Ceara Brencic
141. Eric Broque
142. Patsy Slater
143. Sean Lincoln
144. Bob Flasher
145. Paul Litsky
146. Jonathan Francis
147. John Hitchen
148. Nicole Chabot
149. Jayson Elliot
150. Mark Lee
151. Talya Brettler
152. Gary Miguel
153. Craig Fendel
154. Wendy Alfsen

Item 26a: Adopt-a-Spot Program Development Recommendations

155. Taylor Rein
156. Leo Bookey
157. Wendy Alfsen
158. Cindy Shamban
159. John Steere, Berkeley Partners for Parks
160. Sally Hughes

Supplemental Communications and Reports 3

Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission

- 161. Karma Smart
- 162. Tobey Wiebe

Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

- 163. Elana Auerbach

Item 21: OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local Rooftop Solar

- 164. Igor Tregub (2)

Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)

- 165. Presentation, Planning & Development Department
- 166. Debra Sanderson (2)
- 167. Henry DeNero
- 168. George Porter (2)

Item 24: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

- 169. Bob Flasher
- 170. Nancy Rader

Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan

- 171. Elana Auerbach
- 172. MA Morgan
- 173. Doris Nassiry
- 174. Paul Rauber
- 175. Diana Wood
- 176. Katie Johnson
- 177. Pamela Michaud
- 178. Maren Bell
- 179. John Gilmore
- 180. Charles Clarke
- 181. Ken Berland
- 182. Chimey Lee
- 183. Robert Dering
- 184. Kristina Feller