

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

**Monday, November 21, 2022
5:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83549098964>. 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: **835 4909 8964**. 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: 5:05 p.m.

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

Absent: Bartlett, Droste

Bartlett present at 5:07 p.m.

Action Calendar

1. **Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**
(Continued from November 3, 2022) (Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item contains revised and supplemental material)
From: Commission on Labor
Recommendation: Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.
Policy Committee Recommendation: To forward the Commission on Labor's item to Council with a positive recommendation to adopt the version of the ordinance dated "7/7/22" that was presented to the Health, Life Enrichment, Equity & Community Committee at the July 11, 2022 meeting.
Financial Implications: See report
Contact: Margot Ernst, Commission Secretary, (510) 981-5400
Action: 22 speakers. M/S/C (Arreguin/Harrison) to:
 1. Adopt first reading of Ordinance No.7,846-N.S. as submitted by Vice Mayor Harrison in Communications Packet #2 (second reading scheduled for December 13, 2022), revising the final sentence of Section 13.102.070 to read *"Additionally, for the City of Berkeley, the offering of these additional hours shall not in themselves confer career status on any non-career employee or confer benefits on any non-benefitted employee, unless required by state or federal law"*; and
 2. Making the following the following referrals:
 - Refer \$50,000 to the FY 23 AAO #1 Budget Process for outreach and technical assistance;
 - Refer to the FY 24 Budget Process up to \$92,000 for citywide predictability pay (up to \$70,000 for PRW and up to \$22,000 for other departments). This allowance supports potential costs for approximately 675 part-time employees who might receive predictability pay, representing up to \$136/person;
 - Resubmit \$220,000 to the FY 2023 AAO #1 budget process for a Community Development Project Coordinator in Health, Housing and Community Services (HHCS) to assist with enforcement of Citywide labor laws and regulations and the Fair Work Week legislation. *This request was previously submitted for the FY 23 budget process but was not funded nor formally carried over for consideration in the AAO; and*

Action Calendar

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

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

Adjournment

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

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

Councilmember Wengraf absent at 6:39 p.m.

Adjourned at 6:58 p.m.

Communications

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

1. Claire Kahane
2. Andrea Mullarkey (2)

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

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

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

Supplemental Communications and Reports 3

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

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