



Office of the City Manager

CONSENT CALENDAR
March 22, 2022

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of February 8 (regular), February 15 (closed and special), February 18 (closed), February 22 (regular) and February 24 (closed).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. February 8, 2022-Regular City Council Meeting
2. February 15, 2022-Closed City Council Meeting
3. February 15, 2022-Special Closed City Council Meeting
4. February 18, 2022-Closed City Council Meeting
5. February 22, 2022- Regular Closed Council Meeting
6. February 24, 2022-Closed City Council Meeting

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 8, 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.

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Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Service for Vice-Mayor Droste
2. Adjourned in Memory of Gene Ransom, Local Activist and Coach

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to:

1) accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Taplin, to support the Malcolm X Elementary PTA's Read-a-thon program with funds relinquished to the City's general fund; and

2) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 29 speakers.

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

Vote: All Ayes.

Recess: 7:57 p.m. – 8:07 p.m.

Consent Calendar

Urgency Item: Malcolm X Elementary Read-a-thon: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Taplin, to support the Malcolm X Elementary PTA's Read-a-thon program with funds relinquished to the City's general fund.

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Councilmembers Harrison and Bartlett added as co-sponsors. Adopted Resolution No. 70,205–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Hahn - \$200; Councilmember Wengraf - \$200

Urgency Item: Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to (1) submit a grant application in the amount of up to \$250,000 to the California Commission on the Status of Women and Girls to support COSOW and City of Berkeley priorities, (2) accept any grants, and (3) execute any resulting grant agreements and any amendments; and, subject to securing the grant, authorizing implementation of the grant-funded projects and appropriation of funding for related expenses.

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

Action: Adopted Resolution No. 70,206–N.S.

1. Commission Reorganization: Creating the Environment and Climate Commission

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,796–N.S. adding Berkeley Municipal Code Chapter 3.82 to create the Environment and Climate Commission (ECC).

First Reading Vote: All Ayes.

Financial Implications: See report.

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

Action: Adopted second reading of Ordinance No. 7,796–N.S.

Consent Calendar

- 2. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,797-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,797–N.S.
- 3. 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**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,799-N.S. a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.
Financial Implications: None
First Reading Vote: All Ayes.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,799–N.S. as revised in Supplemental Communications Packet #1 from the City Manager.
- 4. Lease and Cooperative Agreement: Downtown Berkeley Bike Station**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,798-N.S. authorizing the City Manager to execute a lease agreement with BART for retail space at the Center Street Garage for a fifteen-year lease term commencing February 1, 2021, and expiring on January 31, 2036.
Financial Implications: See report.
First Reading Vote: All Ayes.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,798–N.S.

Consent Calendar

- 5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, November 9, 2021, and December 14, 2021.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,207–N.S.
- 6. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021 November 16, 2021, December 14, 2021, and January 10, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,208–N.S.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 8, 2022**
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: \$4,468,611.
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 8. Contract - O2X for Public Safety Wellness Programming**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with O2X Human Performance LLC (Contractor) to provide a physical and mental wellness program for the Berkeley Fire & Police Departments (Departments) for a four (4) year base contract period that starts February 9, 2022 and ends on February 8, 2026 in an amount not to exceed \$2,712,145 with an option to extend for up to six (6) additional years in two (2) year increments for a total of ten (10) years and not to exceed a total contract amount of \$7,948,612.
Financial Implications: See report.
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,209–N.S.
- 9. Contract – Wildland Res Mgmt. for Community Wildfire Protection Plan (CWPP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Wildland Res Mgmt. (Contractor) to provide Community Wildfire Protection Plan and associated analytics for the Berkeley Fire Department (Department) for an initial base contract period of one year, from February 9, 2022 to February 8, 2023 in an amount not to exceed \$200,000 with an option to extend for an additional four years in two-year increments and a total not to exceed \$400,000.
Financial Implications: See report.
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,210–N.S.
- 10. Adopt a Resolution Approving Exception to the 180-Day Waiting Period to Hire a CalPERS Retired Annuitant in Accordance With Government Code Sections 7522.56 And 21224**
From: City Manager
Recommendation: Staff respectfully recommends that the City Council adopt a resolution approving an exception to the 180-day waiting period for hiring a retired annuitant as an extra-help employee.
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Item removed from the agenda by the City Manager.

Consent Calendar

- 11. Contract No. 31900207 Amendment: Recruiting Advertising and Marketing Strategy for the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900207 with Epic Recruiting, to provide additional recruiting and advertising services for police and professional staff vacancies, in an amount not to exceed \$120,000 for a total contract amount not to exceed \$310,000, and extending the term through April 30, 2023.
Financial Implications: General Fund - \$120,000
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,211–N.S.
- 12. Resolution supporting immigration reform for the U.S.**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution: 1. Urging President Biden to honor his promise for a humane immigration policy; 2. Calling for a departure from the previous administration’s cruelty toward migrant, for protections from deportation, and for a path to permanent residency for protected groups including beneficiaries of DACA, TPS, and DED; 3. Requesting closure of three California ICE detention facilities cited for many rights violations. Copies of this resolution should be sent to President Biden and Berkeley’s congressional delegation.
Financial Implications: None
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,212–N.S.
- 13. Resolution in Support of Justice for Haitian Refugees**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution calling for an end to all U.S. government deportation efforts against Haitian refugees. Send a letter with the enclosed resolution to President Biden, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.
Financial Implications: Staff time.
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,213–N.S.
- 14. Normalize Diplomatic and Economic Relations with Cuba**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution supporting normalization of diplomatic and economic relations between the U.S. and Cuba, initiated by Cuba solidarity organizations in the U.S. Send a letter with the enclosed resolution to President Biden, Secretary of State Antony Blinken, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.
Financial Implications: Staff time.
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,214–N.S.

Consent Calendar

15. Japanese American Day of Remembrance

From: Peace and Justice Commission

Recommendation: 1. Adopt a Resolution calling on leaders to denounce anti-Asian racism, and for the City to collaborate with AAPI communities and community-based organizations to promote community building and safety, and to address systemic barriers for reporting anti-Asian hate crimes. 2. Adopt in perpetuity February 19 as the Japanese American Day of Remembrance in Berkeley in recognition of the mass incarceration of Japanese Americans and Japanese Latin Americans during World War II.

Financial Implications: Staff time.

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

Action: Adopted Resolution No. 70,215–N.S.

Council Consent Items

16. Budget Referral and Resolution Establishing City Process for Siting and Developing Public Electric Vehicle DC Fast-charging Hubs

From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation:

1. Adopt a Resolution in support of a non-binding term sheet between the City of Berkeley and East Bay Community Energy (EBCE) to establish a network of publicly available electric vehicle (EV) fast-charging hubs in municipally-owned parking lots and garages in areas with a dense concentration of multifamily housing.

2. Refer to the June, 2022 FY 23-24 budget process \$600,000 in General Fund revenues to fund Berkeley's annual maximum Service Fee of \$100,000/year per fast-charging hub for three hubs. Once revenues from charging exceed the annual service fee, a portion of revenues will be remitted to the City. Over the 10-year agreement, the City will realize a net gain. Under either a low and high hub utilization scenario, EBCE estimates the City will likely see net profits from Site License Agreement revenue over the ten years estimated at between \$50,000 and \$851,000. In addition, EBCE estimates that the City is already on track to realize an additional \$400,000-\$600,000 in Utility User Tax proceeds annually over next 2-3 years under the Renewable 100 portfolio, and that number could grow to up to \$1.3 million per year by 2025 assuming EV adoption goals are met.

Financial Implications: See report.

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

Action: Moved to Action Calendar. 6 speakers. M/S/C (Hahn/Arreguin) to adopt Resolution No. 70,216–N.S.

Vote: All Ayes.

Action Calendar

17. **Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory**
(Continued from November 30, 2021)
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 8 speakers. Presentation made and discussion held.

Action Calendar – Public Hearings

18. **ZAB Appeal: 2956 Hillegass Avenue Use Permit #ZP2021-0068**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Zoning Permit #ZP2021-0068 for the addition of a 170 square foot third-floor balcony to the rear of an existing three-story 2,834 square foot single-family dwelling on a 2,754 square foot lot that is non-conforming to lot coverage.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Wengraf) to adopt Resolution No. 70,217–N.S.
Vote: All Ayes.

Information Reports

19. **Update on Berkeley's Redistricting Process for City Council Districts**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
20. **Healthy Checkout Ordinance Protocols**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 6 speakers.

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on February 8, 2022.

Mark Numainville
City Clerk

Communications

ADU's

1. Jeff White

Alameda County Rent Moratorium

2. Bruce Dodd

Buena Vista Way Repaving

3. Val Cipollone
4. Stefano Della Vigna

City Mobility Improvement

5. Gail Burke (2)

COVID-19

6. Troy Ault

EBCE Community Advisory Committee

7. Newsletter

Homeless

8. Diana

January 18, 2022 Council Meeting

9. Barbara Gilbert (2)

Marin and Spruce

10. Diana Damonte

Plastic Bag Ordinance

11. Jessica Mitchell

Redistricting

- 12. Jack Kurzweil
- 13. Sabina McMurtry

RV's

- 14. Charlene Washington

Stopwaste

- 15. David Lerman

Tenant Advocacy

- 16. Robin Fletcher

Tire Replacement

- 17. Catherine Woolf

UA Homes

- 18. Benjamin Hubbel

Unfunded CalPERS Liability

- 19. David Lerman

Supplemental Communications and Reports 1

Item #2: Response to City Council Action of October 26, 2021 Regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

- 20. Devin Rand-Giovannetti
- 21. Sheryl Drinkwater
- 22. Ila Rosenzweig
- 23. John Litten
- 24. Shawna Hartman Brotsky
- 25. Don Read
- 26. Fan Albritton
- 27. Thea Daniels
- 28. Rita Maran
- 29. Dalia Nagel
- 30. David Jaffe
- 31. Jamie Greenwood
- 32. Jeanette and Jim Cottle

Item #3: Response to City Council Action of October 26, 2021 Regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

- 33. Supplemental material, submitted by Planning

Item #12: Resolution Supporting Immigration Reform for the U.S.

- 34. Diana Bohn

Item #18: ZAB Appeal: 2956 Hillegass Avenue Use Permit #ZP2021-0068

35. Mollie and Adam Starr

Item #19: Update on Berkeley's Redistricting Process for City Council Districts

- 36. Michael Weber
- 37. Max Ventura
- 38. Judy Grether
- 39. Summer Brenner
- 40. Kitty Calavita
- 41. Holly Scheider

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #17: Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory

- 42. Presentation, submitted by Planning and Development

Information Reports

Item #20: Healthy Checkout Ordinance Protocols

- 43. Ingrid De Santiago, on behalf of Healthy Options at Point of Sale

Urgent Item: Malcolm X Elementary Read-A-Thon: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

- 44. Time critical item, submitted by Councilmember Taplin

Urgent Item: Grant Application on behalf of the Commission on the Status of Women (COSOW) to support COSOW and City of Berkeley Priorities

- 45. Urgent item, submitted by Councilmember Hahn

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, FEBRUARY 15, 2022

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
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Preliminary Matters

Roll Call: 4:03 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 4:10 p.m.

Public Comment - Limited to items on this agenda only – 15 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Case Name: Secure Justice v. City of Berkeley
Case Number: 21CV003630

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

- a. Significant exposure to litigation – one case

Action: No reportable action taken.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 6:55 p.m.

Councilmember Harrison absent 6:48 p.m. – 6:55 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on February 15, 2022.

Michael MacDonald
Assistant City Clerk

MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Tuesday, February 15, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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Preliminary Matters

Roll Call: 7:14 p.m.

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

Absent: Harrison

Worksession

1. Homeless and Mental Health Systems and Services in Berkeley

From: City Manager

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: 13 speakers. Presentation made and discussion held.

Adjournment

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

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

Councilmember Droste absent 9:31 p.m. – 9:37 p.m.

Adjourned at 9:37 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on February 22, 2022.

Mark Numainville
City Clerk

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Homeless and Mental Health Systems and Services in Berkley

1. Presentation, submitted by the City Manager's Office
2. Diana Bohn
3. Moni Law
4. Remi Omodele

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

FRIDAY, FEBRUARY 18, 2022

9:00 A.M.

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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this <https://us02web.zoom.us/j/84490821888> . 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); enter Meeting ID: 844 9082 1888. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 9:05 a.m.

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

Absent: Bartlett

Councilmember Bartlett present at 11:26 a.m.

Public Comment on Closed Session Item – 2 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt a temporary rule limiting public comment time to one minute per speaker for Item 1.

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

OPEN SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Supreme Court Case No. S273160: Authorize Amicus Curiae Support of Petition for Review in *Save Berkeley's Neighborhoods v. The Regents of the University of California (American Campus Communities)*

Action: 27 speakers. M/S/C (Arreguin/Robinson) to authorize the City Attorney to file an Amicus Curiae Support of Petition for Review in *Save Berkeley's Neighborhoods v. The Regents of the University of California (American Campus Communities)*.

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

CLOSED SESSION:

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

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Supreme Court Case No. S273160: Authorize Amicus Curiae Support of Petition for Review in *Save Berkeley's Neighborhoods v. The Regents of the University of California (American Campus Communities)*

Action: Item moved to Open Session for public comment, discussion, and action.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken on closed session item.

Adjournment

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

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

Councilmember Harrison absent at 11:58 a.m.

Councilmember Hahn absent at 12:14 p.m.

Councilmember Kesarwani absent at 12:15 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 18, 2022.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 22, 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

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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: 6:04 p.m.

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

Absent: Bartlett, Droste

Councilmember Droste present at 6:07 p.m.

Ceremonial Matters:

1. Adjourned the meeting in memory of Mimi Jenkins, City Employee
2. Adjourned the meeting in memory of Ruth Armstrong, Co-Founder of Berkeley Path Wanderers

City Manager Comments:

The City Manager provided updates on the Reimagining Public Safety Task Force, the Chief of Police recruitment, and the Director of Police Accountability recruitment.

Public Comment on Non-Agenda Matters: 5 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept the following urgency items pursuant to Government Code Section 54954.2(b)(2), and making the findings that there is an urgent need to take action and that the need to take action came to the attention of the local agency after the agenda was published:

- From Mayor Arreguin: Condemning Hate Speech, Anti-Semitism and White Supremacy
- From Councilmember Harrison: Adopt a Resolution in Support of Ukraine, Continued Diplomacy, and Adherence to Constitutional Procedure with Respect to Armed conflict Amidst Ongoing Tensions.
- From the City Manager: Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516; Adopt First Ordinance Reading authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System.

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

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to adopt a temporary rule to set the public speaking time at one minute per speaker, except as during the public hearing.

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

Public Comment on Consent Calendar and Information Items Only: 59 speakers.

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

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

Condemning Hate Speech, Anti-Semitism and White Supremacy

From: Mayor Jesse Arreguín, Councilmembers Susan Wengraf and Sophie Hahn

Recommendation: Adopt a Resolution condemning incidences of hate speech, anti-semitism and white supremacy.

Financial Implications: None.

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

Action: Adopted Resolution No. 70,218–N.S.

Adopt a Resolution in Support of Ukraine, Continued Diplomacy, and Adherence to Constitutional Procedure with Respect to Armed Conflict Amidst Ongoing Tensions

From: Councilmember Harrison

Recommendation: Adopt a Resolution in support of Ukraine, continued diplomacy, and adherence to constitutional procedure with respect to potential armed conflict amidst ongoing military tensions. Send copies of the resolution and letters to Senators Feinstein and Padilla, and Congresswoman Lee.

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

Action: Adopted Resolution No. 70,219–N.S.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of January 10 (special), January 18 (regular), January 20 (closed and special), January 25 (closed and regular), and January 27 (special).

Financial Implications: None

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

Action: Approved the minutes as submitted.

Consent Calendar

- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 22, 2022**
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: \$234,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved the recommendation.
- 3. Expenditure Contract: Berkeley Youth Alternatives for Proposition 64 Grant-Proposed Work and Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions with Berkeley Youth Alternatives (BYA) in an amount not to exceed \$625,000 for the period March 1, 2022 through April 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,220–N.S.
- 4. Contract No. 32000240 Amendment: Berkeley Unified School District (BUSD) for Mental Health MHSA-Funded Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2022 in an amount not to exceed \$992,778. This amendment will add \$355,000 in funding to the contract.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,221–N.S.
- 5. Revenue Contract: Department of Health Care Services for \$1,000,000 for Crisis Care Mobile Units**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept an award of funding provided by the California Department of Health Care Services (DHCS) through the Crisis Care Mobile Units (CCMU) Program and execute any resultant revenue agreements and amendments to augment the City's investment in piloting and evaluating a Specialized Care Unit (SCU) in an amount up to \$1,000,000 through Fiscal Year 2025.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,222–N.S.

Consent Calendar

- 6. Meals on Wheels of Alameda County Agency Donations for the Berkeley Meals on Wheels Program**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$25,200 donation for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,223–N.S.
- 7. Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, to Permit Participation of Berkeley Fire Fighters Association Local 1227 I.A.F.F.**
From: City Manager
Recommendation: Adopt first reading of an Ordinance to amend the Berkeley Municipal Code Chapter (BMC) 4.38, Supplementary Retirement and Income Plan II (SRIP II), to permit participation of Berkeley Fire Fighters Associations Local 1227 I.A.F.F (BFFA).
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopt first reading of Ordinance No.7,800–N.S. Second reading scheduled for March 8, 2022.
- 8. Grant Application: Clean California Local Grant Program – Civic Center Plaza Turtle Garden Beautification Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state’s Clean California Local Grant Program (CCLGP) for up to \$600,000 for the Civic Center Park Turtle Garden Beautification Project, and to accept grant funds, execute resulting grant agreements and amendments, and authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,224–N.S.
- 9. Donation: Memorial Bench at Cesar Chavez Park in memory of Susan P. Kwong**
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 Cesar Chavez Park in memory of Susan P. Kwong.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,225–N.S.

Consent Calendar

- 10. Donation: Memorial Bench at the Berkeley Rose Garden in memory of Asia Blau Feese**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Asia Blau Feese.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,226–N.S.
- 11. Donation: Memorial Bench at Cesar Chavez Park in memory of Anne Rogin Blau**
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 Cesar Chavez Park in memory of Anne Rogin Blau.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,227–N.S.
- 12. Donation from the Rorick Family Trust for Strawberry Creek**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$16,720 for tree planting and picnic tables at Strawberry Creek Park from the Rorick Family Trust.
Financial Implications: \$16,720 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,228–N.S.
- 13. Donation: Memorial Bench at Shorebird Park in memory of Key Slay**
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 Shorebird Park in memory of Key Slay.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,229–N.S.

Consent Calendar

14. **Contracts for Plan Checking Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms, starting March 1, 2022, with the following firms:

1. Telesis Engineers for an amount not to exceed \$1,500,000
2. West Coast Code Consultants for an amount not to exceed \$1,500,000
3. TRB and Associates for an amount not to exceed \$1,000,000

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,230–N.S. for Telesis Engineers; Adopted Resolution No. 70,231–N.S. for West Coast Code Consultants; Adopted Resolution No. 70,232–N.S. for TRB and Associates

15. **Contract: Cratus Inc., for Storm Drain Improvements Project: Marin Ave, Virginia Street, Grizzly Peak Blvd. & High Court**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard & High Court, Specification No. 22-11482-C; accepting the bid of Cratus Inc., as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$1,260,000, which includes a 15% contingency of \$171,525.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,233–N.S.

16. **Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Tremont Street, Eton Avenue, Alcatraz Avenue, Mystic Street, Hazel Road, Domingo Road, El Camino Real, El Camino Real Backline, Alvarado Road, Vicente Road, Alvarado Road Backline, Tunnel Road, Roble Court, and Roble Road; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,590,468, which includes a 10% contingency of \$235,497.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,234–N.S.

Consent Calendar

- 17. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations on Shattuck Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Shattuck Avenue from Derby Street to Allston Way and Shattuck Avenue from University Avenue to Vine Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$3,873,843, which includes a 10% contingency of \$352,167.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,235–N.S.
- 18. Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2022 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Urgent Sewer Repair FY2022 Project, located throughout the City of Berkeley; accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$391,872, which includes a 10% contingency of \$35,624.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,236–N.S.
- 19. Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Meter**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to provide parking meters, replacement parts, and support services, increasing the contract amount by an additional \$1,891,415 for a total contract amount not to exceed \$8,924,872 through June 30, 2024.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,237–N.S.

Council Consent Items

- 20. Supporting the Agricultural Labor Relations Voting Choice Act**
From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution in support of the Agricultural Labor Relations Voting Choice Act. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,238–N.S.
- 21. Budget Referral: Channing Street Bike Boulevard Improvements**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Channing Street:
1. Approx. \$200,000 for four (4) Traffic Circles at Seventh Street, Ninth Street, Browning Street, and Bonar Street
2. Approx. \$50,000 for one (1) Traffic Diverter at Tenth Street
3. Approx. \$500,000 for two (2) Pedestrian Hybrid Beacons (PHB) at San Pablo Avenue and Sacramento Street
4. Approx. \$70,000 for Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island at Sixth and Channing Way
Financial Implications: See report.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 22. Streamlining Toxic Remediation in Manufacturing Districts** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites.
Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

Action: Approved the recommendation of the Land Use, Housing & Economic Development Committee.

23. Adopt a Resolution in Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act

From: Councilmember Harrison (Author)

Recommendation: Adopt a resolution in support of the California State Legislature introducing and passing a Resident-Designated Support Person Act. Send copies of the resolution and letters to State Senator Skinner, Assemblymembers Wicks and Bonta.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,239–N.S. as revised in Supplemental Reports and Communications Packet #2 from Councilmember Harrison.

24. Budget Referral: South Sailing Basin Dredging

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

Recommendation: Refer to the City Manager to dredge the Berkeley Marina's South Sailing Basin (SSB), including 1) pursuing and proposing potential funding opportunities for both planning and implementation, and 2) performing the necessary bathymetric, hydrography, technical, permitting, and mitigation studies required to move forward as quickly as possible.

Furthermore, refer \$350,000 to the June 2022 budget process for the purposes of South Sailing Basin Dredging planning & evaluation.

Financial Implications: See report.

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

Action: Approved recommendation.

25. Support for AB 1602: Student Housing Revolving Loan Fund Act

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

Recommendation: Send a letter to Assemblymember Kevin McCarty, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 1602, the California Student Housing Revolving Loan Fund Act of 2022.

Financial Implications: None

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

Action: Approved recommendation.

Action Calendar – Public Hearings

**26. ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034
From: City Manager**

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 10 speakers.

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

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

Action: M/S/C (Kesarwani/Harrison) to adopt Resolution No. 70,240-N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling, and dismiss the appeal.

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

Action Calendar – New Business

27. Southside Complete Streets Project Conceptual Designs

From: City Manager

Recommendation: Adopt a Resolution approving the conceptual designs for the Southside Complete Streets Project on Dana Street from Dwight Way to Bancroft Way; Bancroft Way from Milvia Street to Piedmont Avenue; Fulton Street from Dwight Way to Bancroft Way; and Telegraph Avenue from Dwight Way to Bancroft Way, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

Financial Implications: None

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

Action: Moved to Consent Calendar. Adopted Resolution No. 70,241–N.S. as revised in Supplemental Reports and Communications Packet #2 by the City Manager; to adopt the City Manager referral as submitted in Supplemental Reports and Communications Packet #1 from Councilmember Robinson; and to refer the comments from the DBA and the TBID to the City Manager.

Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516; Adopt First Ordinance Reading authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System

From: City Manager

Recommendation:

1. Adopt the Resolution of Intention in order to approve the amendment of 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 20516 to effectuate changes to the cost sharing agreement between the City and PEPRAs members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), 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 PEPRAs members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.

Financial Implications: See report.

Contact: Donald E. Ellison, Interim Director of Human Resources, 981-6807

Action: 2 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,242–N.S. and to adopt first reading of Ordinance No. 7,801-N.S. Second reading scheduled for March 8, 2022.

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

Action Calendar – New Business

- 28. Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516**
From: City Manager
Recommendation: Adopt the Resolution of Intention in order to approve the amendment of 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 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
Council adopted Resolution #70,156-N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass a Resolution of Intention in order to approve the amendment to the contract between the City and the Board Administration of the Public Employees' Retirement System
Financial Implications: See Report.
Contact: Don Ellison, Human Resources, (510) 981-6807
Action: Item removed from the agenda by City Manager.

Information Reports

- 29. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 30. Age-Friendly Berkeley Update**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.
- 31. LPO NOD: 1325 Arch Street – Application LMSAP2021-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
- 32. Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Action Calendar. M/S/C (Arreguin/Harrison) to schedule Item 32 for the March 8, 2022 meeting.

Information Reports

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

33. 2021 Year End Crime and Collision Data

From: City Manager

Contact: Jennifer Louis, Police, (510) 981-5900

Action: Scheduled for March 8, 2022.

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

Adjournment

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

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

Adjourned at 9:14 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on February 22, 2022.

Mark Numainville
City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Item #25: Support for AB 1602: Student Housing Revolving Loan Fund Act

1. Grayson Peters
2. Riya Master
3. Tomas Castro
4. Sammy Raucher
5. Stephanie Wong
6. Marisol Medina
7. Cerys Rotondo
8. Jalen Gooch
9. Kendalyn Smith
10. Samuel Groven
11. Jerry Xu

12. Avram Gur Arye

Item #27: Southside Complete Streets Project Conceptual Designs

13. Marc Hedlund

14. Carol Denney

City Management Not Being Truthful

15. Nathan Dahl

Plastic Bag Ordinance

16. Heather Phipps

Milvia Bike Infrastructure

17. Kendra Levine

18. Erika Shore (2)

4-Hour Parking Limits Near Gilman Street

19. Ryan Thomas on behalf of Bolt Lighting Rentals

Graffiti

20. David Lerman

Tenants Opportunity to Purchase Act (TOPA)

21. Elania Nanopoulos

22. Diana Bohn

23. Alan Thomsen

24. Donna Carter

Wood Burning

25. David Lerman

Keep Our Patrol Officers

26. Robin Kibby

Public Commenters

27. Barbara Gilbert

Housing Scarcity

28. Charles Clarke

Confederated Villages of Lisjan Tribe

29. Corrina Gould, Tribal Chair

Planning to Attend Meeting

30. Kirk

Tibetan Uprising Day

31. Tenzin Lungrig, on behalf of the Tibetan Association

Peace Teacher: Thich Nhat Hanh

32. Chimey Lee

Splitting South Berkeley

33. Diana Bohn

Accessing Infrastructure Funds

34. Dan Smuts

Heaters for the Unhoused

35. Summer Brenner

Affordable Healthcare Now

36. Senator Nancy Skinner

East Bay Community Energy

37. EBCE (2)

URL's Only

38. Vivian Warkentin

Honoring Labor Contract Rights – SEIU 1021

39. Alberto Flores

40. Jacob Kahn

Supplemental Communications and Reports 1

Item #24: Budget Referral: South Sailing Basin Dredging

41. Robert Ofsevit

42. Nick Goyhenetche

Item #26: ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034

43. Joyce Lewis (2)

44. Vivian Pisano

Item #27: Southside Complete Streets Project Conceptual Designs

45. Supplemental material, submitted by Councilmember Robinson

Supplemental Communications and Reports 2

Item #21: Budget Referral: Channing Street Bike Boulevard Improvements

46. Tom Lent

Item #23: Adopt a Resolution in Support of the California State Legislature Passing AB-2546, the California Resident-Designated Support Persons Act

47. Revised material, submitted by Councilmember Harrison

Item #26: ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034

- 48. Norman and Gina Gold
- 49. Anna Talamo (2)
- 50. Richard and Marla Faszholz
- 51. Kay Schwartz
- 52. Hillary Brooks

Item #27: Southside Complete Streets Project Conceptual Designs

- 53. Revised material, submitted by Public Works
- 54. John Caner, on behalf of the Downtown Berkeley Association
- 55. Alex Knox, on behalf of the Telegraph Business Improvement District
- 56. Charles Siegel
- 57. Daryl Ross
- 58. Julie Saxe-Taller
- 59. Bhima Sheridan
- 60. Wesley Tam
- 61. Telegraph for People
- 62. Greg Magofna, on behalf of East Bay for Everyone
- 63. Emily Mullin
- 64. Tom Lent
- 65. Jesse Greenspan

Supplemental Communications and Reports 3

Item #24: Budget Referral: South Sailing Basin Dredging

- 66. Camille Antinori
- 67. Nicholas Waton

Action Calendar – New Business

Item #27: Southside Complete Streets Project Conceptual Designs

- 68. Jordan Burns
- 69. Dave Campbell, on behalf of Bike East Bay
- 70. Daryl Ross, on behalf of Caffè Strada
- 71. Ben Paulos
- 72. Michelle and Alex Bergtraun
- 73. Ryan Lau, on behalf of AC Transit

Information Reports

Item #33: 2021 Year End Crime and Collision Data

- 74. Charles Clarke

Urgency Items

Condemning Hate Speech, Anti-Semitism and White Supremacy

75. Urgent item, submitted by Mayor Arreguin

76. Eric Friedman

Adopt a Resolution in Support of Ukraine, Continued Diplomacy, and Adherence of Constitutional Procedure with Respect to Amend Conflict Amidst Ongoing Tensions

77. Urgent item, submitted by Councilmember Harrison

Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516; Adopt First Ordinance Reading authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System

78. Urgent item, submitted by Human Resources

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, FEBRUARY 24, 2022

5:00 P.M.

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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this <https://us02web.zoom.us/j/81503774444>. 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); enter Meeting ID: 815 0377 4444. 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.

Preliminary Matters

Roll Call: 5:04 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Taplin, Bartlett

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

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

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

Property address: 1461 University Avenue, Berkeley, CA 94702
Agency Negotiators: Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager
Negotiating parties: City of Berkeley and Shree Jalasai Lodging, LP dba Rodeway Inn, Berkeley
Property owner: City of Berkeley
Under negotiation: Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director, Abe Roman, Fire Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:50 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 24, 2022.

Mark Numainville, City Clerk

