



Office of the City Manager

CONSENT CALENDAR  
April 26, 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 March 8 (closed and regular), March 10 (special), March 15 (special-5 pm and special-6 pm), March 22 (closed, special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. March 8, 2022-Special Closed Council Meeting
2. March 8, 2022-Regular Council Meeting
3. March 10, 2022-Special Council Meeting
4. March 15, 2022-Special Council Meeting at 5 pm
5. March 15, 2022-Special Council Meeting at 6 pm
6. March 22, 2022-Special Closed Council Meeting
7. March 22, 2022-Special Council Meeting
8. March 22, 2022-Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, MARCH 8, 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  
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/85665732041>. 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: **856 6573 2041**. 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](mailto:council@cityofberkeley.info).*

## Preliminary Matters

**Roll Call:** 4:02 pm

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

**Absent:** None

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

- a. *Mauck v. City of Berkeley*; Alameda County Superior Court Case RG20060952

**Action:** No reportable action taken.

- b. *Frieson v City of Berkeley*; Alameda County Superior Court Case RG20064683

**Action:** M/S/C (Arreguin/Wengraf) to authorize the City Attorney to enter into a proposed settlement of \$40,000, contingent upon the Court approving the petition by minor to approve the terms of the compromise to be filed by Plaintiff's counsel.

**Vote:** All Ayes.

## OPEN SESSION:

The Council met in closed session and approved a proposed Settlement in *Frieson v. City of Berkeley* Alameda County Superior Court Case No. RG20064683 for 40,000, contingent upon the Court approving the petition by minor to approve the terms of the compromise to be filed by Plaintiff's counsel.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:21 p.m.

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

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Michael MacDonald  
Assistant City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 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

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*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/82967064417>. 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.*

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*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:** Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Bartlett present at 6:07 p.m.

### Report from Closed Session:

The Council met in closed session and approved a proposed Settlement in Frieson v. City of Berkeley Alameda County Superior Court Case No. RG20064683 for 40,000, contingent upon the Court approving the petition by minor to approve the terms of the compromise to be filed by Plaintiff's counsel.

### Ceremonial Matters:

1. Recognition of the Close Partnership and Relationship between the Government and People of Ireland and the Government and People of Berkeley and California
2. Recognition of Osha Neumann, Local Attorney and Activist

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 4 speakers.

### Consent Calendar

**Action:** M/S/C (Arreguin/Wengraf) to make the required findings under the Government Code and accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Encampment Resolution Funding Grant Award.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 11 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### Encampment Resolution Funding Grant Award

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to receive a \$4,708,015 Encampment Resolution Funding grant award from the State of California, and to enter into contract with the State of California for this funding.

**Financial Implications:** See report

Contact: Peter Radu, Assistant to the City Manager, 510 981-7045

**Action:** Adopted Resolution No. 70,243–N.S.

1. **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 second reading of Ordinance No. 7,800–N.S. 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).

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

**Financial Implications:** See report.

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

**Action:** Adopted second reading of Ordinance No. 7,800–N.S.

2. **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:** Adopt second reading of Ordinance No. 7,801–N.S. 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.

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

**Financial Implications:** See report.

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

**Action:** Item rescheduled to the City Council Special Meeting on March 15, 2022.

## Consent Calendar

- 3. 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, January 10, 2022, and February 8, 2022.  
**Financial Implications:** To be determined.  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,244–N.S.
- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 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:** \$7,470,316  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 5. Housing Consultant Contract Amendment (Contract # 32100126) – Anjanette Scott LLC**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the City’s contract with Anjanette Scott LLC to add up to \$50,000 for consulting services in a total amount not to exceed \$100,000, with a contract end date of June 30, 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,245–N.S.

## Consent Calendar

- 6. Contract No. 32100082 Amendment: Resource Development Associates to Facilitate Grant Writing for the Specialized Care Unit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend a contract with Resource Development Associates (RDA) to add grant writing services for the Specialized Care Unit (SCU) and mental health system for a total contract limit of \$245,000 for the period beginning January 1, 2021 and ending June 30, 2023. This amendment will add \$60,000 in funding and one year to the contract term.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,246–N.S.
- 7. Contract No. 319001221-1 Amendment: Rolling Orange, Inc. for Additional Website Redesign Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 319001221-1 with Rolling Orange, Inc. for the additional website redesign services, for an amount not-to-exceed \$10,000 and a total contract value not-to-exceed \$569,300 from March 1, 2019 to June 30, 2024.  
**Financial Implications:** See report.  
Contact: Michael Sinor, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,247–N.S.
- 8. Measure T1 Contract: Western Water Features Inc. for the King Pool Plaster and Tile Replacement and West Campus Pool Plaster, Tile, and Filter Replacement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the King Pool Plaster and Tile Replacement and West Campus Pool Plaster and Tile Replacement and Filter Replacement Project, Specification No. 22-11489-C; 2. Accepting the bid of the lowest responsive and responsible bidder, Western Water Features, Inc.; and 3. 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, with Western Water Features, Inc. for the King Pool Plaster and Tile Replacement and West Campus Pool Plaster and Tile Replacement and Filter Replacement Project in an amount not to exceed \$1,010,000, which includes a contract amount of \$989,449 and a 10% contingency in the amount of \$20,551.  
**Financial Implications:** \$1,010,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,248–N.S.



## Consent Calendar

**9. Amendment to Contract No. 32000219 with Lind Marine - Removal of Derelict and Abandoned Vessels at the Berkeley Marina**

**From: City Manager**

**Recommendation:** Adopt a resolution authorizing the City Manager to amend Contract No. 32000219 with Lind Marine to remove derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a contract total not-to-exceed amount of \$188,400; and contingency of \$47,000; and extend the contract to September 30, 2023.

**Financial Implications:** \$188,400.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,249–N.S.

**10. Lease Agreement with NFS Unlimited, LLC for Skates-on-the-Bay**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute the attached ground lease with NFS Unlimited, LLC, the owner/lessee of Skates-on-the-Bay at the Berkeley Waterfront for a 10-year term with 2 additional options to extend for 5 years each, effective from May 1, 2022.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopt first reading of Ordinance No.7,802–N.S. Second reading scheduled for March 22, 2022.

## Consent Calendar

### 11. Updates to the Measure T1 Phase 1 Project List

**From: City Manager**

**Recommendation:** Adopt a resolution authorizing the following updates to the T1 Phase 1 list of approved projects:

1. Add the following project - Streets: West Street (adjacent to Strawberry Creek Park) from Addison to End.

2. Change the phase of the following project - Parks: Aquatic Park Tide Tubes Cleanout, (add "Construction").

3. Remove the following:

A. Projects added in October 2020: i. Streets: a. Arcade Avenue from Fairlawn Drive to Grizzly Peak Boulevard; b. Cedar Street from 6th Street to San Pablo Avenue; c. Center Street from Martin Luther King Jr. Way to Shattuck Ave; d. Dohr Street from Ashby Avenue to Prince Street; e. Rose Street from Le Roy Avenue to La Loma Avenue; f. Santa Fe Avenue from Gilman Street to Cornell Avenue/Page St; g. Shasta Road from Grizzly Peak Boulevard to east City limit; and h. West Street from Bancroft Way to Dwight Way.

ii. Parks: James Kenney Park Play and Picnic Area

B. Projects added in July 2019: i. Green Infrastructure: a. Heinz Avenue near RR tracks; b. Jones Street between Fourth St and RR tracks; c. Ninth Street at Codornices Creek; d. Evaluation of Sacramento Street center median; and e. Tenth Street at Codornices Creek.

C. Projects from the original approved list: i. Streets: Bancroft from Shattuck to Milvia

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,250–N.S.

### 12. Donation: Memorial Bench at the Berkeley Marina in front of M-Dock in memory of Roger Garfinkle

**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 Marina in front of M-Dock in memory of Roger Garfinkle, DragonMax Founder and Coach.

**Financial Implications:** \$3,400 in revenue.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,251–N.S.

### 13. Ratification of Police Accountability Board's Standing Rules

**From: Police Accountability Board**

**Recommendation:** Ratify Standing Rules of the Police Accountability Board, revised in consideration of Mayor Arreguin's proposed amendments.

**Financial Implications:** None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

**Action:** Approved recommendation.

## Council Consent Items

- 14. Support of SB 922**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of SB 922 (Wiener), which would permanently exempt transportation-related projects from CEQA. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Scott Wiener and Nancy Skinner, and Assemblymember Buffy Wicks.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,252–N.S. revised to include consideration of Native American cultural sites.
- 15. Opposition to the California Two-Thirds Legislative Vote and Voter Approval for Fee and Charge Increases Initiative**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution to oppose Initiative 21-0042A1, the California Two-Thirds Legislative Vote and Voter Approval for Fee and Charge Increases Initiative. Send a copy of the Resolution to the League of California Cities.  
**Financial Implications:** See report.  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,253–N.S.
- 16. Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial Corridors**  
**From: Councilmember Kesarwani (Author), Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to implement state law AB 43 on:  
- High-injury commercial corridors as identified in our Vision Zero Annual Report, 2020-2021 in order to allow a reduction in speed limits by 5 miles per hour; - Any other corridors covered by AB 43, as appropriate, in order to implement reduced prima facie speed limits and identify those corridors for future traffic studies where prima facie limits are presently unsafe.  
Upon completion of this referral, we note that a budget allocation would be needed in the amount of \$25,000 to \$50,000 for new speed limit signage. Funding will be requested later (likely for the FY 2023-24 budget) in order to allow time for staff to determine the applicable streets for additional signage.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

17. **Adopt a Resolution Supporting Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Berkeley Commission on the Status of Women’s Annual Dues to the Association of California Commissions for Women**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of \$100 each from Vice Mayor Harrison, Mayor Arreguín, and Councilmember Taplin’s office budgets to the Association of California Commissions for Women to cover the prorated 2021-2022 annual membership dues and full dues for 2022-2023 for the Berkeley Commission on the Status of Women, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of the aforementioned Mayor and Council office budgets, and providing for prospective “pre-approval” of such dues on an ongoing basis.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,254–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Robinson - \$100; Councilmember Bartlett - \$250; further revised in Supplemental Packet #1 by Councilmember Harrison as noted below.

Revised Recommendation:

- 1. Adopt a Resolution approving the expenditure of \$ 25 each from Vice Mayor Harrison, Mayor Arreguín, and Councilmembers Taplin and Wengraf’s office budgets to the Association of California Commissions for Women to cover the prorated 2021-2022 annual membership dues for the Berkeley Commission on the Status of Women, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of the aforementioned Mayor and Council office budgets.*
- 2. Submit to the June budget process \$400 from the General Fund to cover the upcoming full dues payments for 2022-2023 and 2023-2024.*

Revised Resolution Text:

*WHEREAS, Vice Mayor Kate Harrison, Mayor Arreguín and Councilmembers Taplin and Wengraf have funds in their office expenditure accounts; and*

*WHEREAS, a non-profit tax-exempt entity, the Association of California Commissions for Women, requires funds in the amount of \$100 to provide Berkeley’s Commission of the Status of Women with the prorated annual membership dues amount for 2021-2022; and*

*WHEREAS, the provision of such funds for dues payments would enhance and further facilitate the Commission’s ongoing municipal public purpose, including providing Berkeley Commissioners with opportunities to collaborate with other commissions on strategic planning, networking to achieve local commission goals and pursue initiatives, training, leadership, event planning/conventions, and generally raising awareness of women’s issues; and*

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the \$25 each relinquished by Vice Mayor Harrison, Mayor Arreguín and Councilmembers Taplin and Wengraf from their Council Office Budget shall be granted to the Association of California Commissions for Women on behalf of Berkeley Commission on the Status of Women to cover dues payments that further the Commission’s municipal public purpose.*

## Council Consent Items

- 18. Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt Two Resolutions:  
1. Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.  
2. Approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Vice Mayor Harrison, to the San Francisco Mime Troupe, the non-profit fiscal sponsor of 2022 Berkeley Park performances, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Vice Mayor Harrison and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report.  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,255–N.S. referring the creation of a policy to the City Manager; and Adopted Resolution No. 70,256–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Harrison - \$500; Councilmember Hahn - \$200; Councilmember Robinson - \$100; Councilmember Bartlett - \$100.
- 19. Budget Referral: Grant Writing Services**  
**From: Councilmember Hahn (Author), Councilmember Bartlett (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer \$300,000 to the FY 2022-2023 budget process to expand the City's capacity to seek and obtain grants and launch funded projects by hiring or contracting for writing and RFP/grant/program administration support.  
**Financial Implications:** See report.  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation.
- 20. Support for AB 1713: Idaho Stop**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Assemblymember Tasha Boerner Horvath, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1713, which would allow adult bicyclists to proceed through stop signs after yielding the right-of-way to immediate hazards.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.

## Action Calendar – Old Business

21. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations** *(Continued from February 22, 2022)*

**From: City Manager**

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

**Action:** 11 speakers. Discussion held.

Recess 8:56 p.m. – 9:07 p.m.

22. **2021 Year End Crime and Collision Data** *(Continued from February 22, 2022)*

**From: City Manager**

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

**Action:** 9 speakers. Received and filed.

23. **Request to 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 in the Department of Health, Housing & Community Services, due to their specialized skills that are necessary to perform work of a limited duration, and to prevent stoppage of public business during the Covid emergency.

**Financial Implications:** See report.

Contact: Don Ellison, Human Resources, (510) 981-6807

**Action:** 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,257–N.S. as revised in Supplemental Communications Packet #1 by the City Manager to change “creative” to “created” in the resolved clause.

**Vote:** All Ayes.

## Public Comment – Items Not Listed on the Agenda - 3 speakers

## Adjournment

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

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

Councilmember Droste absent 10:26 p.m. – 10:32 p.m.

Adjourned at 10:32 p.m.

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

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Mark Numainville  
City Clerk

## Communications

**Item #18: Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season**

1. Rachel Davis
2. Thuan Tran
3. Mary Engle
4. Mary Rose

**Energy Commission Transportation Priorities for the Fiscal Year 2023-2024 Budget**

5. Berkeley Energy Commission

**Proposed Policy 351, Public Safety Fixed Video Surveillance Cameras**

6. Michael Chang, Chairperson, Police Accountability Board

**Union Contract Wage Theft by City Management**

7. Mike Uberti
8. Nathan Dahl
9. Glenn Ingersoll
10. Barbara Gilbert (2)
11. Julia P

**Parking Garage at 2215 4<sup>th</sup> Street**

12. Anne Burns
13. Mary Scott

**Verizon Wireless Tower**

14. Anna Pisarello

**Implications of Lost Property Tax Revenue**

15. Alex Sharenko (2)

**Tenant Opportunity to Purchase Act (TOPA)**

- 16. Eric Friedman
- 17. Akshit Dewan
- 18. Mirelle Linquist

**Parking Tickets**

- 19. Michelle Milam

**Climate Change**

- 20. Christopher La Combe
- 21. Thomas Lord (2)

**Plastic Bag Ordinance**

- 22. Sofia Avila

**Eden I&R February**

- 23. Eden I&R

**Removal of Vines in the Berkeley Hills**

- 24. Senior Advocates & Associates

**Grizzly Peak Blvd.**

- 25. Bruce Brody

**Redistricting**

- 26. Sheila Goldmacher

**BART Redistricting**

- 27. BART

**Shellmound**

- 28. Laura Callen
- 29. AJ Pluss
- 30. Gail Susan Gordon
- 31. Bettemie Prins
- 32. Jane Perry
- 33. Sheri Prud'homme

**Housing**

- 34. Avran Gur Arye (14)
- 35. Photoano@
- 36. Ashvin Nair

**COVID/Masks/Pandemic**

- 37. Thomas Lord (2)
- 38. Vicki Sommer (2)
- 39. David Lerman



40. Jane Fink

**Reimagining Public Safety**

41. Amol Rao

42. Diana Bohn

**Solar and Wind Powering Berkeley Homes in March**

43. Kathleen Giustino

**Brown Act Viewpoint**

44. Thomas Lord

**Supplemental Communications and Reports 1**

**Item #17: Adopt a Resolution Supporting Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Berkeley Commission on the Status of Women's Annual Dues to the Association of California Commissions for Women**

45. Revised material, submitted by Councilmember Harrison

**Item #18: Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season**

46. Phoebe Sorgen

47. Hali Hammer

48. Stephen Most

49. Claire Schoen

50. Carol Hirth

51. Janice Schroder

52. Michael Fullerton

**Item #23: Request to 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**

53. Revised material, submitted by Health, Housing, and Community Services

**Supplemental Communications and Reports 2**

**Item #18: Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season**

54. Thomas Luce

55. Rebecca Herman

56. Geraldine Clifford

- 57. Holly Scheider
- 58. Davis Baltz
- 59. Terry Fletcher
- 60. Vivian Pisano
- 61. Naneen Karraker
- 62. David Holzman
- 63. T.M. Scruggs
- 64. Maya Carson
- 65. Kaylah Sterling
- 66. Jessie Ortiz
- 67. Mary Rose
- 68. Erika Shore
- 69. Ellen Brotsky
- 70. Linda Schmidt
- 71. Edward Opton
- 72. Sallie Hanna-Rhyne

### **Supplemental Communications and Reports 3**

#### **Item #14: Support of SB 922**

- 73. Eugene Turitz
- 74. Chimey Lee (3)

#### **Item #16: Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial Corridors**

- 75. Greg Martin
- 76. Susan Springborg
- 77. Chris Horgan & Elena Prakoura
- 78. Ben Gerhardstein, on behalf of Walk Bike Berkeley

#### **Item #18: Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season**

- 79. Revised material, submitted by Councilmember Harrison
- 80. Sara Sunstein
- 81. Vicki Sommer
- 82. Tobey Wiebe
- 83. Joan Berezin
- 84. Mary Vradelis

#### **Item #22: 2021 Year End Crime and Collision Data**

- 85. Liza Lutzker, on behalf of Walk Bike Berkeley
- 86. Jonathan Walden
- 87. Chimey Lee

**Urgent Item**

**Item: Encampment Resolution Funding Grant Award**

88. Urgent item, submitted by the City Manager's Office

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Thursday, March 10, 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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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **815 5370 6914**. 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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*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:** Taplin, Harrison, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett, Hahn

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Bartlett present at 6:12 p.m.

## Action Calendar – New Business

- 1. Consideration of the Reimagining Public Safety Task Force’s Response to the National Institute for Criminal Justice Reform Recommendations**  
**From: Reimagining Public Safety Task Force**  
**Recommendation:** Discuss the Recommendations of the Reimagining Public Safety Task Force in response to the National Institute of Criminal Justice Reform (NICJR). Accept the report and refer to the City Manager.  
**Financial Implications:** See report  
Contact: LaTanya Bellow & Shamika Cole, Commission Secretaries, (510) 981-7000  
  
**Action:** See action on Item #2.
- 2. Presentation and Discussion of Reports Submitted by Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform**  
**From: City Manager**  
**Recommendation:** Accept the reports and refer to the City Manager with the goal of a staff report and recommendations on a path forward to transforming public safety and policing in Berkeley.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Recess 8:12 p.m. – 8:27 p.m.

**Action:** Items 1 & 2 were presented together. 23 speakers. Presentations made and discussion held. Council referred the reports, presentations, supplemental materials in Supplemental Communications Packet #2 submitted by Mayor Arreguin, Vice-Mayor Harrison and Councilmembers Bartlett and Hahn, revised material in Supplemental Communications Packet #2 submitted by the Reimagining Public Safety Task Force, and revised material in Supplemental Communications Packet #2 submitted by the National Institute for Criminal Justice Reform to the City Manager for analysis and recommendations on a path forward to transforming public safety and policing in Berkeley.

Councilmember Wengraf absent at 10:05 p.m.

## Adjournment

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

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

Adjourned at 10:25 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on March 10, 2022.

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### **Item #1: Consideration of the Reimagining Public Safety Task Force's Response to the National Institute for Criminal Justice Reform Recommendations**

1. Revised material, submitted by the Reimagining Public Safety Task Force
2. Berkeley Neighborhoods Council
3. Barbara Gilbert
4. Diana Bohn
5. Wendy Alfsen

### **Item #2: Presentation and Discussion of Report Submitted by Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform**

6. Revised material, submitted by the National Institute for Criminal Justice Reform

### **Item #1 & Item #2 (Same as above)**

7. Supplemental material, submitted by Mayor Arreguin, Vice-Mayor Harrison and Councilmembers Bartlett and Hahn

## Supplemental Communications and Reports 3

### **Item #1: Consideration of the Reimagining Public Safety Task Force's Response to the National Institute for Criminal Justice Reform Recommendations**

8. Carole Marasovic
9. Warren Sharp
10. John Caner, on behalf of the Downtown Berkeley Association
11. Charles Clarke
12. Eric Wiesner
13. Blair Beekmand (2)
14. Chimey Lee

**Item #2: Presentation and Discussion of Report Submitted by Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform**

15. Presentation - Overview, submitted by the City Manager's Office
16. Presentation – New and Emerging Models, submitted by the City Manager's Office
17. Presentation – Alternative Responses, submitted by the City Manager's Office
18. Presentation – Community Engagement, submitted by the City Manager's Office
19. Presentation – Reimagining Public Safety Task Force's (RPSTF) votes on National Institute for Criminal Justice Reform (NICJR) recommendations, submitted by the City Manager's Office

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, March 15, 2022  
5:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON AND VIRTUAL PARTICIPATION**

*This meeting of the City Council will be conducted in a “hybrid” model with both in-person attendance and virtual participation. This meeting is a test of the technology needs and meeting management processes for hybrid meetings. All other meetings will continue to be conducted exclusively through teleconference and Zoom videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.*

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## Preliminary Matters

**Roll Call:** 5:06 p.m.

**Present:** Bartlett, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Taplin, Harrison, Hahn

## Action Calendar – Continued Business

- 1. 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**  
*(Continued from March 8, 2022)*

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,801-N.S. 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  
Adopt second reading of Ordinance No. 7,801-N.S. amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPR 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.

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

**Financial Implications:** See report.

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

**Action:** 0 speakers. M/S/C (Wengraf/Robinson) to adopt second reading of Ordinance No. 7,801–N.S.

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

## Adjournment

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

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

Adjourned at 5:09 p.m.

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

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Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, March 15, 2022  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

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DISTRICT 8 – LORI DROSTE

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## Preliminary Matters

**Roll Call:** 6:05 p.m.

**Present:** Kesarwani, Bartlett, Wengraf, Robinson, Droste, Arreguin

**Absent:** Taplin, Harrison, Hahn

Councilmember Taplin present at 6:27 p.m.

## Worksession

### 1. Housing Element Update and Residential Objective Standards

**From:** City Manager

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

**Action:** 29 speakers. Presentation made and discussion held.

Recess 8:04 p.m. – 8:17 p.m.

## Adjournment

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

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

Adjourned at 10:01 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on March 10, 2022.

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Housing Element Update and Residential Objective Standards

1. Sabina McMurtry
2. Carol Hirth
3. Michelle Pasternack
4. Ewald Detjens

5. Michael Scott
6. Vicki Sommer
7. Diana Bohn
8. Bernard Marszalek
9. Robin Hollenberg
10. Kerna Trottier
11. Kori Kody
12. Paul Casperson
13. Matthew Lewis
14. Leah and John Rosenthal
15. George and Dolly Gurrola
16. Shirley Traynor
17. Morris Friedell
18. Robert Davis
19. Tom McMillan
20. Janis Dairiki
21. Larry Kuo
22. Shauna Haines
23. Summer Brenner
24. Mark Wieder
25. Charlene Harrington
26. Terry Paris
27. Laura Spiekerman
28. Alan Ramo
29. Kirsten Rose
30. Tom Graly
31. Lynn Cooper
32. Fred Krieger
33. Alex Benn
34. Lisa Bruce
35. Leslie Valas
36. Eric Johnson
37. Ross Bernet
38. John Robin
39. Jeffery Kaplan
40. Ben Paulos
41. Teresa Clarke
42. Charlene Woodcock
43. George Killingsworth
44. Jeffrey Carter
45. Sheila Goldmacher
46. Rob Wrenn
47. Kathy Labriola

### **Supplemental Communications and Reports 3**

#### **Item #1: Housing Element Update and Residential Objective Standards**

48. Presentation, submitted by the City Manager's Office
49. Toni Mester
50. Bruce Feingold
51. Joan Berezin

52. Judith Small
53. Becca Schonberg
54. Corey Busay
55. Sean Gibson
56. Nancy Nash
57. Madeline Feingold
58. Gary Facente
59. Steve Rosen
60. Carol Cohen
61. Dorothy Walker
62. James Wert
63. Josie Gerst
64. Tim Kelley
65. Carla Woodworth
66. Michael Frantz
67. Ben Gould, on behalf of Berkeley Neighbors for Housing and Climate Action  
Steering Committee
68. Nicole Chabot
69. Thomas Lord
70. Sarah Bell
71. Julianna Dickey
72. Marco Lobba

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, MARCH 22, 2022

3:00 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 Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 897 2298 3133. 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:** 3:02 p.m.

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

**Absent:** Kesarwani, Bartlett, Droste

Councilmember Kesarwani present at 3:07 p.m.

Councilmember Bartlett present at 3:09 p.m.

**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 LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. *Ruegg & Ellsworth v. City of Berkeley (Alameda Superior Court Case No. RG 18930003)*

**Action:** M/S/C (Arreguin/Robinson) to authorize the City Attorney to file an appeal in Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. California Case No. RG18930003.

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

## OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to file an appeal in Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. California Case No. RG18930003.

## 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.

Adjourned at 4:38 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on March 22, 2022.

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Mark Numainville, City Clerk



**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, March 22, 2022  
4:00 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**

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **854 7474 1619**. 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:** 4:44 p.m.

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

**Absent:** Droste

## Action Calendar – New Business

- 1. Implementation of Redistricting Plan for City Council District Boundaries**  
**From: Independent Redistricting Commission**  
**Recommendation:** Adopt first reading of an Ordinance implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission.  
**Financial Implications:** None  
Contact: Mark Numainville, Commission Secretary, (510) 981-6900  
**Action:** 3 speakers. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,803–N.S. implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission. Second reading scheduled for April 12, 2022.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

## Adjournment

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

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

Adjourned at 5:14 p.m.

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

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Mark Numainville  
City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item 1: Redistricting Ordinance – 1<sup>st</sup> Read

1. Chimey Lee

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 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

**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/85474741619>. 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: **854 7474 1619**. 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](mailto: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, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Bartlett, Droste

Councilmember Bartlett present at 6:04 p.m.

## Report from Closed Session

The City Council met in closed session and authorized the City Attorney to file an appeal in Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. California Case No. RG18930003.

## Ceremonial Matters:

1. Recognition of Nowruz, Persian New Year
2. Recognition of Meals on Wheels Month (March 2022)
3. Presentation on Seismic Retrofits for Civic Center Buildings - 7 speakers
4. Presentation by the Anti-Eviction Mapping Project - 15 speakers

**City Manager Comments:** None

Recess 8:26 p.m. – 8:36 p.m.

**Public Comment on Non-Agenda Matters:** 4 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to adopt a temporary rule to set the time limit for public speakers at one minute per speaker.

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

**Public Comment on Consent Calendar and Information Items Only:** 15 speakers.

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

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

## Consent Calendar

- 1. Lease Agreement with NFS Unlimited, LLC for Skates-on-the-Bay**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,802-N.S. authorizing the City Manager to execute the attached ground lease with NFS Unlimited, LLC, the owner/lessee of Skates-on-the-Bay at the Berkeley Waterfront for a 10-year term with 2 additional options to extend for 5 years each, effective from May 1, 2022.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,802–N.S.
- 2. 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, January 10, 2022, February 8, 2022, and March 8, 2022.  
**Financial Implications:** To be determined.  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,258–N.S.
- 3. 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, December 14, 2021, and February 8, 2022.  
**Financial Implications:** To be determined.  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,259–N.S.

## Consent Calendar

- 4. Minutes for Approval**  
**From: City Manager**  
**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).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 5. Amendment to the Berkeley Revolving Loan Fund Administrative Plan to allow management of the COVID-19 Resiliency Loan Program (RLP) by Working Solutions, a certified Community Development Financial Institution; Authorize a \$60,000 contract with Working Solutions to provide technical assistance and small business support to Berkeley's RLP participants**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Approving changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to allow for third party administration of the COVID-19 Resiliency Loan Program (RLP).  
2. Authorizing the City Manager to execute a sole source contract and any amendments with Working Solutions, a certified Community Development Financial Institution, not to exceed \$60,000 of ARPA funds to provide additional small business support and technical assistance to Berkeley's RLP participants for the period beginning March 31, 2022 through the five-year term of the RLP loan repayments (anticipated ending date December 31, 2027).  
**Financial Implications:** See report.  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,260–N.S. (Administrative Plan), and Resolution No. 70,261–N.S. (Contract).
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022**  
**From: City Manager**  
**Recommendation:** Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022  
**Financial Implications:** \$12,952,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 7. Donation of Fire Apparatus and Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution donating a surplus fire truck, Auto 910 and equipment, to the Livermore Pleasanton Department.  
**Financial Implications:** See report.  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,262–N.S.

## Consent Calendar

- 8. Contract: Pinnacle for Occupational Physicals**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) for occupational health and pre-employment medical examinations including cancer and cardiac screening for firefighters, paramedics, emergency medical technicians, police officers and other designated staff through March 22, 2026 in an amount not to exceed \$325,000 per fiscal year with an option to extend for three additional two-year terms, for a total ten-year potential contract not to exceed \$3,250,000.  
**Financial Implications:** See report.  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,263–N.S.
- 9. Contract: Interior Motions for HHCS Public Health Division Furniture**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$100,000 for the period January 1, 2022 through December 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,264–N.S.
- 10. Contract No. 32100178 Amendment: California Mental Health Services Authority Help@Hand Participation Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an Amendment to the Help@Hand Participation Agreement with the California Mental Health Services Authority (CalMHSA) (Contract No.32100178) to increase the amount of funding by \$140,800 for a total amount not to exceed \$541,715 through June 30, 2024, and any amendments.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,265–N.S.



## Consent Calendar

- 11. Revenue Contract: Alameda County Behavioral Health Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a revenue contract amendment with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement, with an Effective Date of July 1, 2021.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,266–N.S.
- 12. Increase Taxi Scrip Window Daily Cash Redemption Limit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing Berkeley Rides for Seniors & the Disabled (BRSD) to increase the Taxi Scrip Window daily cash redemption limit from \$800 to \$1,000, one day per week.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,267–N.S.
- 13. Amending Berkeley Municipal Code (BMC) Chapter 12.70 Sections 12.70.031 and 12.70.050A.1 to align with State and Local Laws**  
**From: City Manager**  
**Recommendation:** Staff recommends the City Council adopt the reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 12.70 Smoking Pollution Control to incorporate two changes:  
1) Amending BMC 12.70.030 to replace the outdated term “Dispensary” with “Cannabis Retailer” in order to align with the State’s Medicinal and Adult-Use of Cannabis Safety and Regulation Act (MAUCSRA); and  
2) Revise BMC Chapter 12.70.050.A.1 to clarify that smoking tobacco is allowed at a tobacco retailer, and smoking cannabis is allowable at a Cannabis Retailer, subject to Council-approved BMC Sections 23.320.020.F.2, 12.21.020.U, V, and Y, and 12.22.040.F.2 allowing “Cannabis Lounges”.  
**Financial Implications:** None  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,804–N.S. Second reading scheduled for April 12, 2022.

## Consent Calendar

14. **Amendments to On-Call Architectural Services Contract No. 31900137 (ELS Architecture and Urban Design), Contract No. 31900155 (Siegel & Strain Architects), and Contract No. 31900131 (Noll & Tam Architects)**

**From: City Manager**

**Recommendation:** Adopt Resolutions authorizing the City Manager to:

1. Execute an amendment to Contract No. 31900137 for ELS Architecture and Urban Design increasing the contract amount by \$900,000; and
2. Execute amendments to Contract No. 31900155 for Siegel & Strain Architects, and Contract No. 31900131 for Noll & Tam Architects by increasing the contract amount by \$900,000 each and duration by 9 months each, from June 30, 2022 to March 31, 2023.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Action:** Adopted Resolution No. 70,268–N.S. (ELS Architecture), and Resolution No. 70,269–N.S. (Siegel & Strain) and Resolution No. 70,270–N.S. (Noll & Tam Architects).

15. **Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Fifteen Ford Interceptor Utility Hybrid Vehicles**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for fifteen (15) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$765,000.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,271–N.S.

16. **Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Three Electric Vehicle Ford Pickup Trucks**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for three (3) Electric Vehicle Ford Pickup Trucks with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$135,000.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,272–N.S.

## Consent Calendar

- 17. Contract No. 112725-1 Du-All Safety, LLC for Safety Consulting and Training Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112725-1 with Du-All Safety, LLC for continued safety training and consulting services up to \$100,000 for a total contract amount not to exceed \$400,000, and to extend the contract term through December 31, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,273–N.S.
- 18. Contract No. 32100122 Amendment: Silao General Engineering for Site Improvements Project at 125/127 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32100122 with Silao General Engineering, Inc. to complete the parking lot site improvements at 125/127 University Avenue increasing the current contract amount of \$192,946.60 by \$85,000.00 for a total amount not-to-exceed of \$277,947.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,274–N.S.
- 19. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,400,000, and extending the term of the contract to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,275–N.S.
- 20. Contract No. 31900094 Amendment: West Yost for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900094 with West Yost Associates (West Yost) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,200,000, and extending the term of the contract to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,276–N.S.

## Consent Calendar

21. **Contract No. 090342-1 Amendment: Waste Management of Alameda County for Landfill Disposal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the City's existing Contract No. 090342-1 with Waste Management, Inc. of Alameda County for Landfill Disposal Services through December 31, 2026 by increasing the Not to Exceed amount from \$32,740,168 to \$45,545,780.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,277–N.S.
22. **Fiscal Year 2023 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer's Reports.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,278–N.S. (District No. 1982-1) and Resolution No. 70,279–N.S. (District No. 2018).
23. **Vacancies on Commission on Disability**  
**From: Commission on Disability**  
**Recommendation:** Appoint new members to fill vacancies on the Commission on Disability from District 3, District 4, District 5, District 6, District 7, and Mayor Jesse Arreguin  
**Financial Implications:** None  
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300  
**Action:** Approved recommendation.

## Consent Calendar

### 24. Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations

#### From: Disaster and Fire Safety Commission

**Recommendation:** The Disaster and Fire Safety Commission (DFSC) recommends that the City Council define the location of those areas in Berkeley in which residents are at high risk due to public safety considerations and use this information to help guide the Housing Element process so that greater density and development in those areas is avoided to the extent reasonably possible. These areas include:

1. Fire Zones 2 and 3 with narrow (26 feet or less in width), winding streets, or those with “pinch-points” that do not allow emergency vehicle access and safe evacuation routes for residents in the event of a wildfire; and

2. Locations within the Alquist-Priolo (Hayward Fault) Earthquake Zone identified by the California Geological Survey; and

3. Locations within the Liquefaction or Landslide Zones identified by the California Geological Survey and areas associated with creeks, above and underground and subject to the impacts of Sea Level Rise. A. Establish a Priority: The DFSC requests that the identification process begin with items 1 and 2 listed above. State legislation mandating increased development in these areas is effective January 1, 2022, and the identification of the boundaries of areas where residents are at high risk in Berkeley should be completed prior to that date. Item 3 is also important, but as a practical matter, it may take longer to review. Therefore, completing identification may have to be done in steps over time. An additional consideration in giving priority at this time to areas affected by fire is that we are now in the “traditional” wildfire season with the clear statewide warning that today’s wildfires are both more frequent and intense and are being fueled by the State’s continued severe drought with no relief in the foreseeable future. B. Establish an Easy-to-Understand Map Format: The DFSC requests that the identification information presented be in an easy-to-understand map format that is available to the public and kept in an up-to-date format as the process progresses. This format should; within technical capability, clearly identify streets that are boundaries to the public safety areas. The California Geological Survey already maintains property-specific maps that address Items 1 and 2 above. The DFSC requests that the City produce similar maps for the other hazardous areas as they are identified. C. Need for Timely Action: The Council has recently taken action to indicate their intent to begin a process to complete the State required new Housing Element for the City’s General Plan. Establishing high-risk public safety areas is a foundational tool in the work that needs to be done to complete a new Housing Element. D. Provides an Opportunity to Inform the Public: Defining high-risk public safety zones not only informs residents about the nature of the risks but encourages individuals and groups to be part of the effort to reduce those risks.

**Financial Implications:** See report.

Contact: Keith May, Commission Secretary, (510) 981-3473

**Action:** Approved recommendation.

## Consent Calendar

25. **Letter of Support for Budget Referral: South Sailing Basin Dredging**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Send the attached Letter of Support for Budget Referral: South Sailing Basin Dredging to be added to the scope of the project for the study of dredging the main channel.  
**Financial Implications:** See report.  
Contact: Roger Miller, Commission Secretary, (510) 981-6700  
**Action:** Approved recommendation.
26. **Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Send the attached Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting.  
**Financial Implications:** See report.  
Contact: Roger Miller, Commission Secretary, (510) 981-6700  
**Action:** Approved recommendation.
27. **Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.  
**Financial Implications:** None  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Moved to Action Calendar. M/S/C (Arreguin/Wengraf) to continue Item 27 to the April 12, 2022 meeting as the first Action Item.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Hahn, Droste.
- Councilmember Harrison absent 10:02 p.m. – 10:33 p.m.

## Council Consent Items

- 28. Support for AB-2053 (Social Housing Act)**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter in support of Assembly Bill 2053 to the state legislature.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 29. Support for AB-2336**  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Send a letter of support for Assembly Bill 2336: Speed Safety System Pilot Program.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 30. Support for AB-2713**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Send a letter of Support for Assembly Bill 2713: Rent caps  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 31. Budget Referral: West Berkeley Transportation Plan**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refer \$300,000 to the FY23-24 budget process for the hiring of a consultant to conduct a study and draft a comprehensive plan for transportation in West Berkeley through 2050.  
**Financial Implications:** \$300,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

32. **Budget Referral: Berkeley Reparations – Funding for a Consultant to Facilitate Community Process to Design and Implement a Local Reparations Plan**  
**From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**

**Recommendation:** Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$350,000 to fund a Consultant to develop policy recommendations for reparations in Berkeley. These recommendations will address the economic injury and intergenerational trauma experienced by Berkeley’s descendants of slavery and the ongoing harm caused to all African Americans by systems that uphold the legacy of segregation. The Consultant will design a process to develop short, medium, and long-term recommendations for reparation policies in Berkeley designed to promote the creation of generational wealth and boost economic mobility, and opportunity in Berkeley’s African American community. 1. Inform. The Consultant should hold a series of educational events, truth-telling symposiums, sessions, and community gatherings on Berkeley’s history. The Consultant should engage a myriad of Berkeley stakeholders, including residents who have experienced harm with economists and historians to provide context. Subject matter experts will employ financial and historical data to illuminate the generational wealth gap, describe barriers to economic mobility, and detail the systemic racism against Berkeley’s African American community. 2. Interact. The Consultant should aim to foster an interactive dialogue centered on the community’s historical experiences and legacy of racism. These group settings should be between persons of diverse vantage points and opinions. The Consultant’s facilitation of these emotive conversations should aspire to enable learning and deep listening, connection, and ultimately trust, healing, and the desire to repair the community. 3. Recommend. Draw from the community dialogues to issue short, medium, and long-term recommendations, for reparations policies. The policy recommendations should focus on creating significant, sustainable progress towards repairing the damage caused by public and private systemic racism; and mitigate racial disparities in wealth, education, employment, homeownership, health, criminal justice, and more. The recommendations should include a portfolio of policies aligned under the following framework: i. Reckoning ii. Acknowledgment iii. Accountability iv. Redress

**Financial Implications:** See report.

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Approved recommendation.



## Council Consent Items

- 33. Supporting Ranked Choice Voting -- Opposing AB 2808 (O'Donnell)**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Robinson (Author)**  
**Recommendation:** Adopt a resolution opposing AB 2808 (O'Donnell), which would ban rank choice voting in California, including in those charter cities where the system is already in use. Send a letter to the bill author stating opposition. Send a copy of the Resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 70,280–N.S.
- 34. Support for AB 1755 (Levine)**  
**From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in Support of AB-1755: Homeowners Insurance: Home Hardening (Levine). AB-1755 will require, beginning in 2025, an insurance provider licensed in California to issue an insurance policy to a homeowner that has taken science-based actions to harden their property from wildfire risk. This legislation would also create the Wildfire Protection Grant Program under the Department of Insurance that would administer grants to residential property owners of up to \$10,000 to help pay for costs associated with home hardening and wildfire mitigation improvements. Send copies of the Resolution to Assembly Member Levine, Assembly Member Wicks, Senator Skinner, Governor Newsom and Insurance Commissioner Lara.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,281–N.S.
- 35. Support for AB-1594 Firearms: Civil Suits**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of AB-1594 (Assembly Member Ting) which would allow gun manufacturers to be sued for creating a public nuisance if their failure to follow federal, state or local law caused injury or death or if the gun industry member engaged in unfair business practices.  
Send the Resolution to Assembly Members Ting, Gipson, Ward and Wicks along with Senator Skinner and Governor Newsom.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,282–N.S.

## Council Consent Items

- 36. 2022 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's, Hahn's, Bartlett's, and Mayor Arreguin's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 19th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. In light of the vulnerability of many of the attendees, and the continuing threat of the COVID pandemic, this year's program will be held virtually on April 28, 2022.  
**Financial Implications:** See report.  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,283–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Taplin - \$500; Councilmember Harrison - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$200.
- 37. Budget Referral: Telegraph-Channing Garage Elevator Repairs**  
**From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer \$3.6M to the June 2022 budget process for urgent repairs to the Telegraph-Channing Garage elevators. Additionally, refer to the City Manager to pursue all available funding opportunities for this project, including American Rescue Plan Act funds.  
**Financial Implications:** See report.  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation as revised Supplemental Communications Packet #1 by Councilmember Robinson.

## Action Calendar – New Business

- 38. Berkeley Economic Dashboards Update**  
**From: City Manager**  
 Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** 2 speakers. Presentation made and discussion held.

## Action Calendar – Public Hearings

### 39. Referral Response: Research and Development (R&D) Definition

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a Zoning Ordinance amendment that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 7 speakers.

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

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

Councilmember Hahn absent 9:42 p.m. – 10:33 p.m.

**Action:** M/S/C (Wengraf/Arreguin) to adopt first reading of Ordinance No. 7,805–N.S. amended to read as noted below. Second reading scheduled for April 12, 2022.

**Research and Development:** An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

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

## Action Calendar – Old Business

### 40. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code *(Continued from January 25, 2022. Item contains supplemental materials.)*

**From: City Manager**

**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

**Financial Implications:** None

Contact: Jennifer Louis, Police, (510) 981-5900, LaTanya Bellow, City Manager's Office, (510) 981-7000

**Action:** Moved to Consent Calendar. Item 40 continued to April 26, 2022.

## Information Reports

41. **FY 2022 First Quarter Investment Report: Ended September 30, 2021**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 0 speakers.

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Arreguin; Noes – None;  
Abstain – None; Absent – Harrison, Hahn, Droste.

Adjourned at 10:33 p.m.

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

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Mark Numainville  
City Clerk

## Communications

### **Item #27: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

1. Aimee Baldwin

### **Item #40: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

2. Jennifer Head

### **Street Paving Adding \$9,000,000 to General Fund**

3. Alex Benn
4. David Lerman

### **UC Berkeley – Student Housing**

5. Rachel Doughty
6. Margot Smith
7. Mary Zernicke

### **Hopkins Corridor**

8. Susan Schwartz

**Support the Plastic Bag Ordinance**

9. Sofia Pavlova

10. Peter DiMaria

**Keeping Berkeley Residents Housed**

11. Drew Finke

12. Negeene Mosaed

13. Elana Auerbach

14. cooperlb@

**Grocery vs Market Berkeley Redlines**

15. Aimee Baldwin

**Amending His Brown Act Complaint**

16. Thomas Lord

**Tenants Opportunity to Purchase Act (TOPA)**

17. Kiran Shenoy, on behalf of the Bridge Association of Realtors

18. Erin Markham

19. Eduardo Madrigal

**Covid Dashboard**

20. Thomas Lord (2)

21. Councilmember Harrison

**Berkeley Drop-In Center and the Berkeley Police Department**

22. Boona Cheema

23. Diana Bohn

24. Katrina Killian

25. Interim Police Chief Louis

**Community Policing: Flex Team for Problem-Oriented Policing**

26. Josh Buswell-Charkow

27. Minda Berbeco

28. Jane Ellis

29. Jennifer Head

30. John Caner, on behalf of the Downtown Berkeley Association

**Legal Protection for My Daughter Who Was Abused**

31. Mandisa Leacheman

**Ongoing Violations of ADA and IDEA**

32. Gail Burke

**Emergency Greenhouse Gas (GHA) Limits Ordinance**

33. Nilang Gor, on behalf of Sierra Club SF Bay Sustainable Food & Agriculture Committee

**Parking Garage at 2215 4<sup>th</sup> Street**

34. Jack Litewka (3)  
35. Anne Burns

**Masks – Covid - Vaccinations**

36. Val Cipollone  
37. David Freeling  
38. George Torgun

**BART Redistricting 2022**

39. April Quintanilla

**East Bay Community Energy Finance, Administration, Procurement**

40. East Bay Community Energy

**Supplemental Communications and Reports 1**

**Presentation by the Anti-Eviction Mapping Project**

41. Executive Summary, submitted by the Anti-Eviction Mapping Project  
42. Presentation, submitted by the Anti-Eviction Mapping Project  
43. Report, submitted by the Anti-Eviction Mapping Project

**Item #37: Budget Referral: Telegraph-Channing Garage Elevator Repairs**

44. Revised material, submitted by Councilmember Robinson

**Item #39: Referral Response: Research and Development (R&D) Definition**

45. Marco Lobba, on behalf of Catena Biosciences

**Supplemental Communications and Reports 2**

**Presentation by the Anti-Eviction Mapping Project**

46. Thomas Lord

**Presentation on Seismic Retrofits for Civic Center Buildings**

47. John Caner, on behalf of the Community for A Cultural Civic Center

**Item 27: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

48. Presentation, submitted by the Auditor

**Item #37: Budget Referral: Telegraph-Channing Garage Elevator Repairs**

49. Dandy Harris  
50. Erik Biggleston, on behalf of Games of Berkeley  
51. Bonnie Gold

**Item #39: Referral Response: Research and Development (R&D) Definition**

52. Katie Sharp, on behalf of Activate-Berkeley

53. Chris Barlow, on behalf of Wareham Development

### **Supplemental Communications and Reports 3**

#### **Presentation by the Anti-Eviction Mapping Project**

54. Alexandra Lacey

55. Sophia DeWitt

56. Sarah Scruggs, on behalf of Northern California Land Trust

#### **Item #24: Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations**

57. Kelly Hammargren

#### **Item #25: Letter of Support for Budget Referral: South Sailing Basin Dredging**

58. Warren Wallace, on behalf of Odyssey Open Water Swimming

#### **Item #32: Budget Referral: Berkeley Reparations – Funding for a Consultant to Facilitate Community Process to Design and Implement a Local Reparations Plan**

59. Margot Smith

#### **Item #38: Berkeley Economic Dashboards Update**

60. Presentation, submitted by the Office of Economic Development

#### **Item #39: Referral Response: Research and Development (R&D) Definition**

61. Presentation, submitted by Land Use Planning

62. Wesley Jackson

#### **Miscellaneous**

#### **Karen Chapelle**

63. Margot Smith

