



Office of the City Manager

CONSENT CALENDAR
June 28, 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 May 5 (closed and special), May 10 (regular), May 17 (closed), May 24 (regular) and May 31 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. May 5, 2022-Closed Council Meeting
2. May 5, 2022-Special Council Meeting
3. May 10, 2022-Regular Council Meeting
4. May 17, 2022-Closed Council Meeting
5. May 24, 2022-Regular Council Meeting
6. May 31, 2022-Regular Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, MAY 5, 2022

3:30 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 URL <https://us02web.zoom.us/j/88320965147>. 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: 883 2096 5147. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 3:35 p.m.

Present: Kesarwani, Wengraf, Robinson, Droste, Arreguin

Absent: Taplin, Bartlett, Harrison, Hahn

Councilmember Hahn present at 3:48 p.m.

Councilmember Taplin present at 3:48 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 LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

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

Action: No reportable action taken.

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

a. Secure Justice v. City of Berkeley; Case No. 21CV003630

Action: Item removed from the agenda by the City Attorney.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Councilmember Droste absent at 3:56 p.m.

Adjourned at 3:58 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 5, 2022.

Mark Numainville, City Clerk

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable emergency Executive Orders issued by the Governor. Any member of the public may participate in the public comment portion of this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Agendas and agenda reports may be accessed via the Internet at
<http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6346(V) or (510) 981-7075 (TDD) at least three business days before the meeting date.



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

**Thursday, May 5, 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
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Preliminary Matters

Roll Call: 6:03 p.m.

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

Absent: Kesarwani, Taplin

Councilmember Taplin present at 6:04 p.m.

Councilmember Kesarwani present at 6:13 p.m.

Action Calendar – New Business

Action: M/S/C (Arreguin/Harrison) to add the urgent item from Councilmember Robinson to the agenda and make the required findings under the Government Code.

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

Urgency Item: Resolution Supporting the Reintroduction of a Mask Mandate on AC Transit

From: Councilmember Rigel Robinson, Mayor Jesse Arreguin

Recommendation: Adopt a Resolution calling on the AC Transit Board of Directors to reconsider its decision and readopt a mask mandate for the AC Transit system, and calling on the health officers of Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco to mandate mask wearing on all public transit systems.

Action: 4 speakers. Councilmembers Wengraf and Harrison added as co-sponsors. M/S/C (Robinson/Arreguin) to adopt Resolution No. 70,333-N.S. calling on the AC Transit Board of Directors to reconsider its decision and readopt a mask mandate for the AC Transit system, and calling on the health officers of Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco to mandate mask wearing on all public transit systems.

Vote: All Ayes.

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

Vote: All Ayes.

Action: M/S/C (Robinson/Wengraf) to accept supplemental material from Councilmember Droste.

Vote: All Ayes.

- 1a. **Fulfilling the Promise of Berkeley’s Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Action Calendar – New Business

Recommendation:

To continue the study and implementation of a comprehensive, new approach to public safety and policing in Berkeley, responsive to the City Council's unanimous July 14, 2020 direction for a transformative approach to community-centered safety with equitable investment in the essential conditions of a safe and healthy community:

1. Refer up to \$5.3 Million to the FY 2023-2024 Budget Process for staff and/or consulting services and community investments to complete the Priority Reimagining Public Safety Initiatives listed in Attachment 1, Section A to the report.
2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation listed in Attachment 1, Section B to the report.
3. Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, as outlined in Attachment 1, Section C to the report, and return with recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.
4. Except where resources may allow for expedited implementation, refer additional reforms to the FY 2025-2026 Biennial Budget as outlined in Attachment 1, Section D to the report.

Financial Implications: See report

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

Action: M/S/Failed (Droste/Wengraf) to adopt the proposal submitted by Councilmembers Droste, Taplin, Wengraf, and Kesarwani.

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

Action: 56 speakers. M/S/Carried (Arreguin/Harrison) to approve Item 1a from Mayor, Bartlett, Hahn and Harrison, with the following amendments:

- 1) to refer the budget process the City Manager's Police re-staffing proposal as presented in the City Manager Reimagining Public Safety Report. (181 positions, with 5 deferred)
- 2) refer to the budget process the proposed Dispatch positions in the amount of \$926,710 (4 Dispatch Positions, 1 Supervisor)
- 3) Refer to fully fund the Office of Race, Equity and Diversity in the amount of \$479,540
- 4) As part of permanent decision on an SCU in FY 25-26, evaluate bringing the program internally within the City organization to be staffed by City of Berkeley staff, including exploring medical and mental health models and also refer for consideration a community paramedicine model similar to the MIP launched by the Berkeley Fire Department, in addition to all other ideas.

Action Calendar – New Business

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

1b. Response to Reimagining Public Safety Recommendations

From: Councilmember Taplin (Author)

Recommendation:

1. Adopt the City Manager’s April 2022 recommendations for Reimagining Public Safety with the following revisions, and;

2. Refer to the City Manager’s office establishment of an Office of Racial Equity to aid in the implementation:

Policy Recommendation amendments

-“Implement the Specialized Care Unit Pilot using all of the recommendations of the consultant and the SCU Steering Committee as a road map”; Add: with regular review of performance metrics and service evaluations.

-“Continue to plan for a civilian traffic enforcement unit, both by informing the content of state law changes to enable such a unit, and by developing an implementation plan once state law does change”; Revise: Conduct a feasibility analysis of a non-sworn auxiliary traffic enforcement unit, including comprehensive analysis of any and all traffic violations and dangerous road behavior that may be safely addressed entirely by a civilian unit.

-“Approve a new Vision Zero staff position in Public Works’ Division of Transportation to conduct collision analysis”; Add: and to study extent of feasibility and scope of potential civilian enforcement pilot, implementation of Vision Zero and Berkeley Department of Transportation and Infrastructure department structuring models to advance engineering-first solutions to traffic safety with a racial justice and social equity lens.

-“Develop additional capabilities to address public safety goals with appropriate response level”; Revise: Develop additional capabilities to address root causes of crime and violence, including reduction of poverty and recidivism through a Guaranteed Income pilot program and City employment opportunities for formerly incarcerated individuals, and locally-based Crisis Stabilization. In addition, the City Manager’s Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, mental health crisis responses, and any other services under the auspices of Reimagining Community Safety.

Budget Recommendation amendments

-Consulting services - \$650k amended to: Office of Racial Equity Associate Management Analyst (1) to oversee a Guaranteed basic income pilot, city employment opportunities for formerly incarcerated, and support position (1) to conduct structural assessment and administrative capacity building for CBO partners- \$480k; Consulting services for Priority Dispatch, Call Data Analysis for Crisis Stabilization - \$170k.

-Add: Vision Zero analyst - \$200k

Financial Implications: See report

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

Action: See action noted in Item 1a.

Action Calendar – New Business

- 1c. **Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager’s Report on Reimagining Public Safety** (*Materials from April 21, 2022 and March 10, 2022 meetings.*)
Recommendation: Discuss and provide direction on recommendations to transform public safety and policing in Berkeley.
Action: No action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:58 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on May 5, 2022.

Mark Numainville, City Clerk

Communications

Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager’s Report on Reimagining Public Safety
Fulfilling the Promise of Berkeley’s Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach
Response to Reimagining Public Safety Recommendations

1. Clara de Martel
2. Brian Hinch
3. Sara Beth Hoffman
4. Collin Thormoto
5. Sunny Smith
6. Kelsey Reid
7. Liz Wagstaffe
8. Sarah Openheim
9. Jessica Stern
10. Mary-Lee Smith
11. Diana Bohn

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- 1a. Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach
- 1b. Response to Reimagining Public Safety Recommendations
- 1c. Discussion and Possible Action on Budget Referrals and Direction on Reimagining Public Safety including Consideration of the Recommendations of the National Institute for Criminal Justice Reform (NICJR), Reimagining Public Safety Task Force, and City Manager's Report on Reimagining Public Safety
12. Supplemental material for 1a, submitted by Councilmember Droste, Kesarwani, Taplin and Wengraf
13. 69 similarly-worded form letters (Critical to the safety of our community)
14. 24 similarly-worded form letters (Unfreeze the BPD)
15. Jean Tepperman
16. Raye Kahn
17. Susan Payne
18. Robin
19. Barbara Freeman
20. Antony Lepire
21. Michael Lewis
22. Ellen Goldblatt
23. Ann Krooth
24. David Biale
25. Rod Richardson
26. John Rice
27. Cynthia Larson
28. Dave Kent
29. Joann Driscoll
30. John Chater
31. Barbara Cohn
32. Les Guliasi
33. Susan Nunes
34. Rachel Biale
35. Darya Kavitskaya
36. Ryn Singley
37. Doug Kidder
38. Julie Elis
39. Katherine Brown
40. Mary Stats
41. David Browne
42. Natalie Leimkuhler
43. Naomi Pearce
44. David Feiten
45. Matt Jarvis
46. John Damonte
47. Don Ichino
48. Michael Parman
49. Mary B
50. William Foley

51. Fran Haselsteiner
52. Eric Haesloop
53. Crystal Brunzell
54. Teresa Clarke
55. Kyra Subbotin
56. Barbara Gross Davis
57. Jeff and Laurin Vincent
58. Marlon Maus
59. Nathan Francis
60. Jesse Arreguin, Mayor (2)
61. David Glenn
62. Katherine Young
63. Christopher Horgan
64. Patricia Adler
65. Anna Urrea

Supplemental Communications and Reports 3

66. Presentation, submitted by Mayor Arreguin
67. Supplemental material, submitted by Councilmember Droste
68. 102 similarly-worded form letters (Critical to the safety of our community)
69. 51 similarly-worded form letters (Unfreeze the BPD)
70. David Glenn and Karen Fagerstrom
71. Elizabeth Jordan
72. Alice Feller (2)
73. Kitt Saginor
74. Elizabeth Ferguson
75. Micahel Katz
76. Rhoda Alvarez
77. Sabinadale
78. Geoff Lomax
79. Lucinda Reinold
80. Cat Zavis
81. Elizabeth Snowden and Charles Smith
82. Jeremy Lent
83. Jennifer Dix
84. Alicia Moore
85. Mark Rhoades
86. Ellen Archilla
87. Dan Brown
88. Mary Thomas
89. Michael Frantz
90. Joan Garvin
91. Patty Brink
92. James T. Nelson
93. Michael Richards
94. Laura Louis
95. Rosalyn and Thomas Jamison
96. Michael Scandling
97. Katya Stoakes
98. Elana Auerbach

99. Don Hubbard
100. Sharon Solkowitz and Bob Iding
101. Jeanne Courtney
102. Ted Obbard
103. Gail Machlis
104. Hillary Worthen
105. Marsha Weintraub and Stuart Hellman
106. Mori Costantino
107. Lori Berlin
108. Nancy Rader
109. Vanessa Moraga
110. Ariel Lev
111. Stanley Goldberg
112. Tam Crane
113. Rob Yohai
114. Steven Castleberry
115. Richard King
116. Rae Tau
117. Mark Son-Bell
118. Jack Kurzweil
119. Richard Van Sluyters
120. Robert Dixon
121. Charles Benton
122. Marc Pilsuk
123. Elb Souders
124. William Springer
125. Jane Scantlebury
126. Donald Rothberg
127. Paku Khan
128. Seena Hawley
129. Lura Dolas
130. Corinne Allen
131. Jenny Wenk
132. Wende Micco
133. Fred Krieger
134. Sherri Forever
135. Sally Nelson
136. Barbara Freeman
137. Barbara O'Hay
138. Isabelle Gaston
139. Wayne Huber
140. Joshua Schnoll
141. Richard Hiersch
142. Julianna Dickey
143. Katherine Pope
144. Josh Buswell-Charkow
145. Mariam Nathanson
146. Bessie Chin
147. Amanda Mozes
148. Wynd Kaufmyn
149. Katherine Bierce

150. Holly Scheider
151. Steve Scholl
152. Peter Lyndon
153. Shmuel Weissman
154. Peter Maag
155. Marjorie Winter
156. Paula Buel
157. Sara Gray
158. Jim Rosenau
159. Mary Ann Meany
160. Kevin Kelly
161. Patricia Kelly
162. Mark Lemkin
163. Fredda Cassidy
164. Ian Fraser
165. Scott Straus
166. Bruce Feingold
167. Kitty Calavita
168. Kristin Balder-Froid
169. Carlos Hill and Family
170. Dan Leaverton
171. JoAnn Lorber
172. Karima Cammell
173. Malcolm Ishida
174. Mary MacCready
175. Varun Paul
176. Lane McNab
177. Dana Bohn
178. Sunny Yoon
179. Joan Hamilton
180. George Torgun
181. Patrick Golier
182. Irene Brydon
183. Liza Lutzker, on behalf of Walk Bike Berkeley
184. Norm Vance
185. Sharon Rudnick
186. Matt Siefker
187. Debra Sanderson
188. Wendy Haven
189. Penny Dedel
190. Jennifer Wilks
191. David Schorr
192. Jake Teitelbaum
193. Aviva Gilbert
194. Aran Kaufer
195. CDN
196. Richard Bunce
197. Abbe Kalos
198. Gail Greenwood
199. John Gilbert
200. Margot Smith

201. Gaetan Micco
202. Antonia Sherry Nunez
203. CC Miksza (2)
204. Clyde Zhang
205. John Gilbert
206. Barbara Rydlander
207. Jane Musser
208. Jerry Skrainar
209. Alison and Avery Huetter
210. Matt Jacobs
211. John V.
212. Sondra Schlesinger
213. Andree Jones
214. Erick Allman
215. S. Entwistle
216. Kathy Skrainar
217. Michael O'Hare
218. Rivka Polanick
219. Jed Waldman
220. Steve Kromer
221. Justin Lee
222. Alan Block
223. Eric Angress
224. Tim Kingston
225. Eugene Bolotin
226. Terry Toczynski
227. Pat Reilly
228. Christian Rauh
229. Harald Leventhal
230. Judy Dale
231. Blair Dean
232. Adolfo Cabral
233. Lorenzo Avila
234. Kathleen Curran
235. Meryl Siegal
236. Diane Tokugawa
237. Wendy Alfsen
238. Alan Pearson
239. Denny Abrams
240. Jack & Sherry Delo
241. Ernie Mansfield
242. E. Anne Griffiths
243. Ann Rogers
244. Debbie Perkins-Kalama
245. Barrie Brouse
246. Susan Whitman
247. Joan Guilford
248. Jeffrey Heller
249. Ken Berland
250. Tamara Birdsall
251. Mary-Lee Kimber Smith

252. David Skolnick
253. Todd Andrew
254. Dennis Mulqueoney
255. Charley Vallejo-Anderson
256. Doug Lindsey
257. Bob Hatheway
258. Nicole Shelby
259. Rhoda Alvarez
260. Janice Schroeder
261. Bill Press
262. William Goldsmith
263. Lynda Caesara
264. Audrey Burnam
265. Christopher Kohler
266. Beatriz Leyva-Cutler
267. Peter DiMaria
268. Igor Tregub
269. Sylvia Chapman
270. Dev and Harinder Dhanoa
271. Bruce Brody
272. Tim Daniels
273. Jason Martens
274. Anne Smith
275. Flora Lewis
276. Laura Schmidt
277. May Kandarian
278. MJ Baumann
279. Moni Law (2)

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, May 10, 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
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 ATTENDANCE AND VIRTUAL PARTICIPATION

Proof of up-to-date COVID-19 vaccination or verified negative COVID-19 test is required for in-person attendance. In-person attendees are required to wear a mask that covers their nose and mouth for the duration of the meeting. If you are feeling sick, please do not attend in-person.

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Preliminary Matters

Roll Call: 6:06 p.m.

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

Absent: Kesarwani, Taplin

Councilmember Kesarwani present at 6:10 p.m.

Councilmember Taplin present at 6:11 p.m.

Ceremonial Matters:

1. Recognition of May as Affordable Housing Month
2. Recognition of Cal Scholars to Berkeley – Stiles Hall

City Manager Comments:

The City Manager introduced and showed a new recruiting video for the Fire Department.

Public Comment on Non-Agenda Matters: 10 speakers.

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

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

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

Vote: All Ayes.

Consent Calendar

1. Commission Reorganization for Post-COVID-19 Budget Recovery: Community Health Commission; Revising Berkeley Municipal Code Chapter 3.76

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,808-N.S. revising Berkeley Municipal Code Sections 3.76.010 to 3.76.040 which establishes the Community Health Commission in order to change Commission membership to include nine (9) people and consolidate the functions of the Commission from ten overlapping and redundant functions to a more concise 4 functions.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,808–N.S.

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

2. Lease Amendment: Options Recovery Lease of City Property 1835 Allston Way
From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,809-N.S. authorizing the City Manager to execute an Amendment to the Lease Agreement with Options Recovery Services for the Old City Hall Annex Building located at 1835 Allston Way. The lease provides for a total of two options to renew for five (5) year terms. This first option period shall commence (retroactively) on January 1, 2020, and end on December 31, 2024.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,809–N.S.

Consent Calendar

3. Zoning Ordinance Amendments that Address Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,810-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the new Zoning Ordinance: BMC Section 23.326.030 (Eliminating Dwelling Units through Demolition)

BMC Section 23.204.020 (Allowed Land Uses)

BMC Section 23.204.100 (C-SA Zoning District)

BMC Section 23.204.110 (C-T Zoning District)

BMC Section 23.204.130 (C-DMU District)

BMC Section 23.204.140 (C-W Zoning District)

BMC Section 23.206 (Manufacturing Districts)

BMC Section 23.302.040 (Home Occupations)

BMC Section 23.304.060 (Accessory Buildings and Enclosed Accessory Structures)

BMC Section 23.322.030 (Required Parking Spaces)

BMC Section 23.502.020 (Glossary)

First Reading Vote: All Ayes.

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,810–N.S.

4. 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, March 8, 2022, March 22, 2022, and April 12, 2022.

Financial Implications: To be determined.

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

Action: Adopted Resolution No. 70,334–N.S.

Consent Calendar

5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, and March 22, 2022.

Financial Implications: None

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

Action: Adopted Resolution No. 70,335–N.S.

6. Calling for a Consolidated General Municipal Election for November 8, 2022

From: City Manager

Recommendation:

1. Adopt a Resolution: a. Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 8, 2022; b. Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c. Authorizing certain procedural and contractual actions; and d. Establishing policies for the filing of candidate statements of qualification.

2. Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,336–N.S. (Calling the Election), and Resolution No. 70,337–N.S. (Ballot Measure).

7. Amendment: FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2022 Annual Appropriations Ordinance No. 7,795–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments in the amount of \$53,155,906 (gross) and \$43,380,083 (net).

Financial Implications:

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

Action: Adopt first reading of Ordinance No. 7,811–N.S. as revised in Supplemental Communications Packet #1 to make various appropriation adjustments. Second reading scheduled for May 24, 2022.

Consent Calendar

8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 10, 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: Various Funds - \$964,022

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

Action: Approved recommendation.

9. Purchase Order: ZOLL Medical Corporation for ECG Monitor/Defibrillators

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase Order and any amendments with ZOLL Medical Corporation for the purchase of five Advanced Life Support (ALS) ECG Monitor/Defibrillators, associated equipment and a maintenance contract for emergency response vehicles in an amount not to exceed \$250,000.

Financial Implications: Measure FF - \$250,000

Contact: Abe Roman, Fire, (510) 981-3473

Action: Adopted Resolution No. 70,338–N.S.

10. Contract: Shaw Industries, Inc. for 1900 6th Street Building Carpet Replacement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule bid procedures; 2. Approving the California Multiple Award Schedule Contract with Shaw Industries, Inc. for Carpet Replacements at the 1900 6th Street building. 3. Authorizing the City Manager or her designee to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$121,133, which includes a contingency of \$14,552.

Financial Implications: Measure GG Fire Prevention Fund - \$121,133

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

Action: Item 10 removed from the agenda by the City Manager.

Consent Calendar

11. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$17,808, bringing the contract total to an amount not to exceed \$55,794 and extending the end date from May 12, 2022 to May 12, 2023.

Financial Implications: General Fund - \$17,808

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

Action: Adopted Resolution No. 70,339–N.S.

12. Meals on Wheels of Alameda County Agency Donations for the Berkeley Meals on Wheels Program

From: City Manager

Recommendation: Adopt a Resolution accepting a \$54,167 donation for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency and authorizing acceptance of all subsequent donations received in FY 2022, to be appropriated as part of the Second Amendment to the Annual Appropriations Ordinance.

Financial Implications: Fund Raising Activities Fund - \$54,167 (donation)

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

Action: Adopted Resolution No. 70,340–N.S.

13. 2022 Local Housing Trust Fund Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program in an amount not to exceed \$5,000,000, and to apply such funds to the City's existing funding reservations for Supportive Housing in People's Park (2556 Haste Street) via the City's Housing Trust Fund program.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,341–N.S.

14. Contract No. 32200074 Amendment: Murray Building, Inc. for Cazadero Camp Jensen Dormitory Construction Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200074 with Murray Building, Inc. for the Cazadero Camp Jensen Dormitory Construction Project by adding \$66,450 for a total not-to-exceed contract amount of \$1,528,350.

Financial Implications: Camps Fund - \$66,450

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

Action: Adopted Resolution No. 70,342–N.S.

Consent Calendar

- 15. Contract No. 32000230 Amendment: Robert E. Boyer Construction, Inc. for Berkeley Tuolumne Camp Construction Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project by adding \$530,832 for a total not-to-exceed contract amount of \$39,350,473.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,343–N.S.
- 16. Amendments to On-Call Landscape Architectural Services Contract No. 32000284 with BASE Landscape Architecture, Contract No. 32100002 with PGA Design, Inc., and Contract No. 32000285 with RRM Design Group**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute amendments to Contract No. 32000284 with BASE Landscape Architecture, Contract No. 32100002 with PGA Design, Inc., and Contract No. 32000285 with RRM Design Group, for on-call landscape architectural services by increasing the contract amount by \$600,000 and duration by fourteen months each, from April 30, 2023 through June 30, 2024, to a total NTE amount of \$900,000 each.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,344–N.S. (Contract No. 32000284 with BASE), Resolution No. 70,345–N.S. (Contract No. 32100002 with PGA), and Resolution No. 70,346–N.S. (Contract No. 32000285 with RRM).
- 17. Contract No. 100692-2 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 100692-2 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$500,000 for a total not to exceed amount of \$1,500,000 while the contract term expiration will remain until June 30, 2025.
Financial Implications: State Proposition 172 Fund - \$500,000
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,347–N.S.

Consent Calendar

18. Public Art Funding for Municipal Capital Improvement Projects Ordinance; Adding Berkeley Municipal Code Chapter 6.13

From: Civic Arts Commission

Recommendation: Adopt first reading of an Ordinance adding Chapter 6.13 Public Art Funding for Municipal Capital Improvement Projects of the Berkeley Municipal Code to provide for the allocation of one and three quarters percent (1.75%) of the estimated cost of construction associated with eligible municipal capital improvement projects, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley

Financial Implications: See report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Adopt first reading of Ordinance No. 7,812–N.S. Second reading scheduled for May 24, 2022.

19. Recommendation that Vision 2050 Infrastructure Bond Prioritize Clean Mobility
From: Energy Commission

Recommendation: The Energy Commission recommends that the Vision 2050 infrastructure bond contemplated for the 2022 ballot prioritize transportation, with an emphasis on building the clean mobility network of the future.

Financial Implications: None

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: Approved recommendation.

20. Budget Referral: City-wide Historic Context Statement

From: Landmarks Preservation Commission

Recommendation: Refer to the FY 2023 June budget process an amount between \$250,000 to \$275,000 from the General Fund for Berkeley's first City-wide Historic Context Statement.

Financial Implications: See report

Contact: Fatema Crane, Commission Secretary, (510) 981-7400

Action: Approved recommendation.

Council Consent Items

21. Support SB 1173 – Divestment from Fossil Fuels

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

Recommendation: Adopt a Resolution in support of SB 1173 (Gonzalez), which would require the California Public Employees Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) to divest from fossil fuel companies. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Lena Gonzalez, and Assemblymember Buffy Wicks.

Financial Implications: None

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

Action: Adopted Resolution No. 70,348–N.S.

Council Consent Items

- 22. Healthy Black Families: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of \$20,000 from the Mayor's Office Budget to Healthy Black Families (HBF) for the purposes of covering costs, from February – May 2022, associated with supporting the Ideation of financing for greater affordable housing at BART station developments. This time period coincides with the end (January 2022) and beginning (June 2022) of grants from the Partnership for the Bay's Future awarded to the City of Berkeley in partnership with HBF.
Financial Implications: Mayor's Discretionary Funds - \$20,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,349–N.S.
- 23. Budget Referral: Continuing Anti-Displacement Programs**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer \$1,800,000 (\$900,000 annually) to the FY 2023-2024 Budget Process for continued funding of the following anti-displacement programs (launched in 2017) with the proposed funding source from General Fund tax revenues: 1. Housing Retention Program (administered by the Eviction Defense Center EDC): \$250,000 per fiscal year. This funding will supplement the current COVID-19 emergency rental assistance program to provide funding after the emergency expires; 2. Legal Counseling, Services and Problem Solving for Extremely-Low, Very-Low, Low and Moderate Income Tenants (\$275,000 each to the East Bay Community Law Center and EDC): \$550,000 per fiscal year; 3. Flexible Housing Subsidies for Homelessness Prevention: \$100,000 per fiscal year
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.
- 24. Berkeley Housing Authority Loan Forgiveness**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution forgiving a \$300,000 Housing Trust Loan to the Berkeley Housing Authority. Forgiving this outstanding loan will enable BHA to provide additional housing to families in Berkeley.
Financial Implications: Housing Trust Fund - \$300,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,350–N.S.

Council Consent Items

- 25. Addition of Semi-diverter Traffic Bollards at the intersection of Newbury Street and Ashby Avenue**
From: Councilmember Bartlett (Author)
Recommendation: Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$50,000 to install semi-diverter traffic bollards at the east corner of the intersection at Newbury Street and Ashby Avenue.
Financial Implications: To be determined
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 26. Dwight Way Traffic Calming Budget Referral**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer a one-time allocation of \$50,000 to the June budget process for traffic calming intersection improvements on Dwight Way between Grant Street and California Street.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
- 27. Resolution Declaring May as Jewish American Heritage Month**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution declaring the month of May as Jewish American Heritage Month in appreciation of the achievements and contributions made by members of the Jewish Community.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,351–N.S.

Council Consent Items

- 28. Budget Referral for Charter Officer Performance Review**
From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer \$120,000 to the budget process to procure professional services from a qualified consultant to assist the City Council in establishing a collaborative review process for performing regular evaluations of the City Attorney and Police Accountability Board Director's performance and direct the City Manager to issue a Request for Proposal (RFP) to contract with an experienced firm that will engage the City Council and the City Attorney and Police Accountability Board Director in performance evaluation similar to the City Manager's evaluation process. The RFP shall be reviewed by the City Council Agenda and Rules Committee prior to issuance. The Agenda and Rules will make a recommendation to the entire City Council, for approval, prior to entering into any contract. The performance evaluation process should begin following the scheduled approval of the Biennial Budget in June of 2022 and establish an annual evaluation schedule that includes interim updates on a quarterly basis—similar to the City Manager's evaluation process described in the May 14, 2019 Council referral for performance evaluations.
Financial Implications: \$120,000
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Approved recommendation as revised in Supplemental Communications Packet #2 by Councilmember Droste to reduce the request to \$60,000 in response to the Director of Police Accountability's budget request for a similar purpose.

Action Calendar – Public Hearings

- 29. ***Item Removed by City Manager*** FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing #1**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action Calendar – New Business

- 30. Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report**
From: City Manager
Recommendation: Adopt a Resolution approving the Controlled Equipment Impact Statements, Associated Equipment Use Policies and Equipment.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to the Consent Calendar to refer the item to the City Manager, Police Accountability Board, and the City Attorney, and request that the item return to the City Council at the June 14, 2022 meeting.

Action Calendar – New Business

31. **Vision 2050: Strategic Asset Management Plan and Asset Management Policy**
From: City Manager
Recommendation: Adopt a Resolution accepting the Strategic Asset Management Plan (SAMP) and approving the Asset Management (AM) policy.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000; Liam Garland, Public Works, (510) 981-6300
Action: Moved to Consent Calendar. Adopted Resolution No. 70,352–N.S.

Action Calendar – Old Business

32. **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 April 26, 2022. Item contains revised and 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. Adopted Resolution No. 70,353–N.S. including corrections from the City Manager included with the item.

Action Calendar – Old Business

33. Hopkins Corridor Project Conceptual Design *(Continued from April 26, 2022)*
From: City Manager

Recommendation: Adopt a Resolution approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

Financial Implications: None

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

Recess 8:19 p.m. – 8:35 p.m.

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

Vote: All Ayes.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:10 a.m.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Arreguin) to suspend the rules and extend the meeting to 12:18 a.m.

Vote: All Ayes.

Action: 52 speakers. M/S/C (Hahn/Arreguin) to: 1) adopt Resolution No. 70,354–N.S. approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to proceed with the detailed engineering design of the project including the portion from Sacramento to Gilman; 2) adopt the supplemental item from Councilmember Hahn as written with the inclusion of Councilmember Kesarwani’s supplemental as a referral to the City Manager; 3) request staff to return to Council at a date in October 2022 for final approval of the extension to San Pablo Avenue, with at least two community meetings conducted by the City; 4) evaluate the installation of a traffic signal at Hopkins and Monterey; 5) conduct more outreach to business owners with the Office of Economic Development, Transportation Division and the Landscape Architect.

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

Information Reports

34. **Fiscal Year 2022 Mid-Year Budget Update**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Received and filed.
35. **LPO NOD: 1940 Hearst Avenue/#LMIN2021-0003**
From: City Manager
Contact: Alene Pearson, Planning and Development, (510) 981-7400
Action: Received and filed.
36. **LPO NOD: 2523 Piedmont Avenue/#LMIN2021-0004**
From: City Manager
Contact: Alene Pearson, Planning and Development, (510) 981-7400
Action: Received and filed.
37. **LPO NOD: 2580 Bancroft Way – Application LMSAP2022-0003**
From: City Manager
Contact: Alene Pearson, Planning and Development, (510) 981-7400
Action: Received and filed.
38. **Mental Health Commission Work Plan 2022-2023**
From: Mental Health Commission
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Received and filed.

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

Adjournment

Adjourned at 12:18 a.m.

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

Mark Numainville, City Clerk

Communications

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

1. Claudia Kawczynska
2. Anna Gazdowicz and Jeffrey Faden
3. Juliette Tinnus
4. Lisa Woo

5. Rachel Zisook
6. Sandra Reisman
7. Kris Jones
8. Mira Stein
9. Kester Allen
10. Elliott Schwimmer
11. Kelly Zito
12. Minda Berbeco
13. Claire Heinzelman
14. Arabelle Malinis
15. Naoimi Marks
16. Jennifer Shanoski
17. Eric Wiesner
18. Cameron Woo
19. Rena Fischer

Berkeley Marina Area Specific Plan (BMASP)

20. Peter Kuhn
21. Rachel Bradely
22. Loren Chuse
23. Mary Foley
24. Mary Law
25. Merrill Gillaspay
26. Debra Golata and Jon Harris
27. Janet Cole
28. John Haptas
29. Daven Gee
30. Jan Ruchlis
31. Sue Sheftel
32. Judith Thomas
33. Carol Cohen
34. Joyce Kwok
35. Deborah Abraham
36. Emilie Keas

Smart Spaces

37. Sabina McMurty
38. Janet Perlman
39. Felice Botts
40. Jane Hunter
41. Vivian Warkentin

Building Electrification

42. Leah Louis-Prescott, on behalf of Carbon-Free Building
43. Andrea Mullarkey, on behalf of SEIU 1021

Public Safety/Police

- 44. Robin Kibby
- 45. Shmuel
- 46. Stephanie Gonye
- 47. Steve Martinot
- 48. Moni Law
- 49. Eric Friedman

Earth Day

- 50. David Lerman
- 51. Jeanine Sidran

Housing at Ashby and/or North Berkeley BART

- 52. Tom Luce
- 53. Richard Laden
- 54. Million Skoda
- 55. Vicki Sommer
- 56. Avram Gur Arye
- 57. Robin Andrae
- 58. Lynn Cooper
- 59. Kevin James
- 60. Miranda Ewell
- 61. T. Anne Richards
- 62. Eileen Hughes
- 63. William Goldsmith

Paving Berkeley Roads

- 64. John Rea
- 65. Linda Franklin

California Theater Landmark Status

- 66. Brooke Bortner
- 67. Michael Fullerton (2)
- 68. Keith Cowling

Eviction Moratorium

- 69. Harry Pollack

Berkeley Housing Element

- 70. Sid Kapur

Tenants Opportunity to Purchase Act (TOPA)

- 71. Ira Serkes
- 72. Aaman Mengis

Fair Housing

- 73. Annya Maksey

Bus Service

74. D. Resek

Fire Danger and ADU's

75. Steven Wolan

Downtown Berkeley Budget Request

76. Rodd Lee, on behalf of BART

Peace & Justice Commission Reorganization

77. Tom Luce

Yassir Chadly Lifetime Pool Pass

78. Donna Mickleson

Supplemental Communications and Reports 1

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

79. Revised material, submitted by the City Manager's Office

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

80. 47 similarly-worded form letters

81. Claire Heinzelman

82. Laralynn Rapoza

83. Gael Alcock

84. Mara Guccione

85. Max Wechsler

86. Sara Pierre

Item #33: Hopkins Corridor Project Conceptual Design

87. Supplemental material, submitted by Councilmember Kesarwani

88. Ajideh Mary

89. Bianca Walser

90. Howard Goldberg

91. Cindi Goldberg

92. Ruby Songster

93. Donna Dediemar

94. Jordan Roberts

Supplemental Communications and Reports 2

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

95. Diana Bohn

Item #13: 2022 Local Housing Trust Fund Application

96. Bill Bogert

97. Diana Bohn

Item #21: Support SB 1173 – Divestment from Fossil Fuels

98. MaryAnn Furda

Item #28: Budget Referral for Charter Officer Performance Review

99. Supplemental material, submitted by Councilmember Droste

Item #30: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

100. Wendy Allen

Item #31: Vision 2050: Strategic Asset Management Plan and Asset Management Policy

101. Joe Rapoza

102. Bridget Hughes

103. Amy Callaway

104. Sarah Carson

105. Charles Flores

106. Lawrence Grown

107. Sari Hale-Alper

108. Ariana Thompson-Lastad

109. Tracy Dooley

Item #32: 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

110. Christopher Horgan

Item #33: Hopkins Corridor Project Conceptual Design

111. Supplemental material, submitted by Councilmember Hahn

112. Pauline Wong

113. Christine Harkin

114. Melissa Little

115. Theresa Malki

116. Rachel Bradley

117. Bill Hickman

118. Kara Slack

119. Stuart Cohen

120. Marilyn Simmons

121. Angela

122. Shelia Van

123. Dick Mallory

124. beverlychilton@

125. Cindy Shamban

126. Tony Corman

127. Keri Ferencz (2)

128. Aliza

129. Greg Shell

130. Bonnie Janora

131. Celia Shryne
132. Anthony D'Agostino
133. Chris Hamilton
134. Sandy Steinman
135. Alison de Runtz
136. Kenny Yip
137. Diane Garcia
138. Elayne & Michael Isaacs
139. Sara Darmoni
140. Benjamin Darmoni
141. Councilmember Hahn (3)
142. Rachel Gold
143. Vita Wells
144. Zelda Bronstein
145. Friedner Wittman
146. Jennifer Winch
147. Emilo Marintez-Cordero
148. Diane Garcia
149. Alyssa Plese
150. Rachel Doughty
151. Harvey Varga
152. Shirly Issel
153. Bob Fabry
154. John Waldeisen
155. Mary Foley
156. Shannon Puckett
157. Ginny Preston
158. Gloria Elissha
159. Phil Sanders
160. Andy Coombs
161. Michael Tompkins
162. Emilo Martinez-Cordero
163. Mr. Walkers
164. Connie Cheung
165. Peter
166. Lori Copan
167. Susan Taylor
168. Patty Lipinska
169. Ben Gerhardstein, on behalf of Walk Bike Berkeley
170. Robion Kirby
171. Matthew Skinner
172. Loretta Janca
173. John Rea
174. Jamie Keller
175. Carol Lesh
176. Linda & Michael Harrington

- 177. Charles Siegel
- 178. Marc Hedlund
- 179. Meg Holm
- 180. Contee Seely
- 181. Dahlia Armon
- 182. Anne Boersma (3)
- 183. Donna Dediemar (2)
- 184. 12 similarly-worded form letters

Supplemental Communications and Reports 3

Item #7: Amendment: FY 2022 Annual Appropriations Ordinance

- 185. Jean Tepperman
- 186. Igor Tregub, on behalf of the Sierra Club

Item #10: Contract: Shaw Industries, Inc. for 1900 6th Street Building Carpet Replacement Project

- 187. Goddess of the Hunt

Item #13: 2022 Local Housing Trust Fund Application

- 188. Isis Feral
- 189. Dave Pate
- 190. Murong Yao
- 191. Anna Macknick
- 192. Jorie Heilman
- 193. Jessica Takeda
- 194. Stephanie Thomas
- 195. Thomas Luce
- 196. Scout Olip-Booth
- 197. David Shiver

Item #21: Support SB 1173 – Divestment from Fossil Fuels

- 198. Laura Rosenberger-Haider

Item #30: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

- 199. Wendy Alfsen and Barb Atwell

Item #33: Hopkins Corridor Project Conceptual Design

- 200. Bev Hoffman and Deborah Merola
- 201. Lance Courtland
- 202. Heather Ball
- 203. Friedner Wittman
- 204. Patty Callihan
- 205. Helen Toy
- 206. Ruby Songster
- 207. Celia Ronis
- 208. Alison Gil

209. David Sochowitzky
210. Margaret Torn
211. Ben Gerhardtstein, on behalf of Walk Bike Berkeley
212. Joy Chiu
213. Laura Klein
214. Jean Allen
215. Christen Rosen
216. Laeeq Evered
217. Leera Rahman and Mark Guzman
218. Janet Coleman
219. Mary Lou Allen
220. Elise Wong
221. Nina Ichikawa
222. Melinda Paras
223. Diane Estes
224. Jesse Peoples
225. Dina and Franck Pecceu
226. Stacey Rutherford
227. Meg Holm (2)
228. Susan Amdur
229. Jessica Blome
230. Jane Fujii
231. Todd Andrew
232. Jules Milner-Brage
233. Councilmember Hahn (9)
234. Donna DeDiemar
235. Michele Trahan (2)
236. Christopher Kohler
237. Andrew Yeskoo
238. Laurel Halvorson
239. Bill Marthinsen
240. Julie Cole
241. Marek Kanter
242. Frances Larson
243. Martin Hammer and Miriam Shipp
244. Danie Newman
245. Mike McGee
246. Margit Roos-Collins
247. glomax@

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, MAY 17, 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 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/86490263695>. 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: **864 9026 3695**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 3:07 p.m.

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

Absent: Bartlett, Robinson, Arreguin

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. Kantorova v. City of Berkeley; Alameda County Superior Case No. RG20064752

Action: No reportable action taken.

- b. Carlson v. City of Berkeley; Alameda County Superior Case No. RG20061999

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. Workers Compensation Appeals Board Case Number: ADJ14647128

Action: M/S/C (Hahn/Wengraf) to provide direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128.

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

OPEN SESSION:

City Council met in closed session on May 17, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128.

Adjournment

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

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

Adjourned at 3:38 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 17, 2022.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, May 24, 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
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 ATTENDANCE AND VIRTUAL PARTICIPATION

Proof of up-to-date COVID-19 vaccination or verified negative COVID-19 test is required for in-person attendance. In-person attendees are required to wear a mask that covers their nose and mouth for the duration of the meeting. If you are feeling sick, please do not attend in-person.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84636500260>. 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: 846 3650 0260. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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: 6:06 p.m.

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

Absent: None

Report from Closed Session

City Council met in closed session on May 17, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matters WCAB Case Number: ADJ14647128.

Ceremonial Matters:

1. Moment of Silence and Adjournment in Memory of the 18 children murdered by gun violence in Uvalde, Texas

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Taplin) to accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022.

Vote: All Ayes.

Consent Calendar

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

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

Vote: All Ayes.

Urgency Item: Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022

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

Recommendation: Send a resolution in support of full funding for the Community Anti-Displacement and Preservation Program in the state budget for the 2022-2023 fiscal year to Senator Skinner, Senator Kamlager, Assemblymember Ting, Assemblymember Carrillo, Assemblymember Wicks, Assemblymember Bloom, and Governor Gavin Newsom, and the California State Senate's Standing Committee on Budget and Fiscal Review. The Community Anti-Displacement and Preservation Program will provide state funding for the acquisition and rehabilitation of unsubsidized affordable rental housing to prevent displacement and enable mission-oriented affordable housing developers to preserve these properties as permanently affordable homes.

Financial Implications: None

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

Action: Approved recommendation. Adopted Resolution No. 70,355-N.S.

1. Amendment: FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,811-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,795-N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments in the amount of \$53,122,621 (gross) and \$43,346,798 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,811-N.S.

2. Public Art Funding for Municipal Capital Improvement Projects Ordinance; Adding Berkeley Municipal Code Chapter 6.13

From: Civic Arts Commission

Recommendation: Adopt second reading of Ordinance No. 7,812-N.S. adding Chapter 6.13 Public Art Funding for Municipal Capital Improvement Projects of the Berkeley Municipal Code to provide for the allocation of one and three quarters percent (1.75%) of the estimated cost of construction associated with eligible municipal capital improvement projects, which shall be used for art and cultural enrichment of public buildings, parks, streets, and other public spaces in the City of Berkeley

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Adopted second reading of Ordinance No. 7,812-N.S.

Consent Calendar

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 24, 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: \$300,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 4. Donation from Berkeley Echo Lake Camp Association for Echo Lake Camp Youth Scholarships**
From: City Manager
Recommendation: Adopt a Resolution to accept a cash donation of \$10,000 from the Berkeley Echo Lake Camp Association (BELCA), for Echo Lake Camp youth scholarships.
Financial Implications: \$10,000 in revenue.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,356–N.S.
- 5. Contract: Care Systems Inc. for an Electronic Scheduling Solution**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Care Systems Inc. to provide an Electronic Scheduling (E-Staffing) System for a three-year contract with an option to extend the contract for a two-year period for a maximum length of five years, for a total not to exceed \$191,740.
Financial Implications: See report
Contact: Jennifer Louis, Police Department, (510) 981-5700
Action: Adopted Resolution No. 70,357–N.S.

Consent Calendar

6. **Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances** *(Reviewed by the Budget & Finance Committee)*

From: Parks and Waterfront Commission

Recommendation: That Council adopt a Resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

Policy Committee Recommendation: On April 28, 2022, the Budget & Finance Policy Committee took the following action: forward the item to Council with a qualified positive recommendation to consider as part of the budget process including the following amendments 1. that Public Works consider including trash pick-up at the Marina in the 218 process; 2. that the Marina Fund be excluded from road work repairs within the larger marina territory; and 3. that \$1.5M be allocated from the General Fund to the Marina Fund for operating expenses in 2024.

Financial Implications: See report

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

Action: Approved recommendation of the Budget & Finance Committee.

Council Consent Items

7. **Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets** *(Reviewed by the Budget & Finance Committee)*

From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Refer to the FY 2022-23 budget process to establish a three-year plan (FY 2022-23 through FY 2024-25) to fully fund an adequate street paving budget that prevents further deterioration of the City's pavement condition. At the end of the three-year period, the fiscal plan should allocate a minimum total of \$8 million in additional ongoing annual General Fund—bringing the total street paving annual budget to at least \$15.1 million—the minimum amount needed to maintain pavement condition, as identified by our Public Works Department.

We recommend that the City slightly exceed the \$8 million General Fund need by contributing \$3 million in ongoing funds in FY 2022-23, an additional \$3 million of ongoing funds in FY 2023-24, and a final addition of \$3 million in ongoing funds in FY 2024-25. This total of \$9 million, in addition to the existing allocation of \$7.3 million for annual street maintenance, will provide the City with about \$1.2 million more than the minimum total of \$15.1 million to account for inflation.

A three-year plan is suggested to give the City time to gradually enhance street paving resources, and annual inflation adjustments are recommended in out-years in order to ensure that maintenance funds remain adequate over time as construction costs rise. A dollar of maintenance early in a street's life-cycle saves \$8 later in the street's life-cycle due to avoided rehabilitation and/or reconstruction costs associated with failing streets, making this budget request an urgent matter of fiscal oversight.

Policy Committee Recommendation: On April 19, 2022, the Budget & Finance Policy Committee sent the item to Council with a positive recommendation to: 1. Formally refer the item to FY 23-24 Biennial Budget Process; 2. State the Committee's recommendation that the City Council prioritize available General Fund revenues to supplement the street paving budget to prevent further deterioration; 3. To recommend that Council consider this proposed approach to develop an expenditure plan for street paving; 4. Set a goal of allocating an additional \$3-8 Million in ongoing General Fund revenues.

Financial Implications: See report

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

Action: Approved recommendation of the Budget & Finance Committee.

Council Consent Items

- 8. Budget Referral: Capacity Building for Merchant Associations in the Gilman and Lorin Districts**
From: Councilmember Kesarwani (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Referral to the City Manager and the FY 2022-23 Budget Process to provide one-time capacity building totaling \$20,000 (\$10,000 each) for the Gilman and Lorin District merchant associations to support economic development in their respective commercial areas. Distribution of funds should be contingent upon the following criteria: (a) Establishment of representative community advisory boards reflecting the diversity of businesses, agencies, nonprofits and resident stakeholders who could function as the leadership entity for fund management; (b) Obtainment of merchant associations' non-profit status; or partnership with an existing entity to enable fiscal sponsorship until nonprofit status is obtained; and (c) Requirement to use the funds within two years or risk having to return them.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Kesarwani.
- 9. Urge the AC Transit Board of Directors to Restore and Expand on Pre-Pandemic Transbay Bus Service and Bus Service to the Berkeley Hills**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Send a letter to the AC Transit Board of Directors urging the restoration and expansion of transbay and Berkeley Hills bus service.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 10. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures**
From: Councilmember Bartlett (Author), Councilmember Robinson (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and fringe benefits expenditures and an accompanying Budget Referral of approximately \$1,226,619.52 for the FY 22-23 June Budget process.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.

Council Consent Items

11. **Budget Referral: Fund Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments**
From: Councilmember Harrison (Author)
Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process \$100,000 to provide Health, Housing & Community Services Department and Berkeley Fire Department the means study or hire a consultant(s) to:
1. Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response, to address the needs of Berkeley people with behavioral health issues and/or are unhoused using computer aided dispatch (CAD) or other data from the Berkeley dispatch, other dispatch agencies, BPD, BFD, and any other relevant data during the COVID pandemic from at least March 2020 through the present; and
 2. Conduct a capacity assessment of crisis response and crisis-related services available to Berkeley people in Berkeley and Alameda County, including but not limited to with respect to the Specialized Care Unit (SCU), respite, and sobering centers.
- Financial Implications:** See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation as revised Supplemental Communications Packet #1 from Councilmember Harrison.
12. **Resolution in Support of SB 379: the Solar Access Act**
From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter of support for SB 379 (Wiener) - Residential solar energy systems: permitting, to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom. To increase the number of homes installing safe solar energy systems, Senate Bill 379, the Solar Access Act, would mandate jurisdictions above a certain population size to provide an online instant solar permitting process, like SolarAPP+, for residential solar and solar-plus-storage systems.
- Financial Implications:** See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 70,358–N.S.

Council Consent Items

13. **Referral to the Budget and Finance Policy Committee and Budget Referral to Consider General Fund Strategies and Related Fiscal Policies for Funding Capital Improvements, in Particular Street, Sidewalk, Micromobility and Transit Infrastructure** *(Reviewed by Budget & Finance Policy Committee)*
From: Councilmember Harrison (Author)
Recommendation:
1. Refer to the Council Budget and Finance Policy Committee to explore specific options for improving how and to what extent the City's Capital Improvement Program (CIP) is funded, to include but not limited to the following potential strategies: (a). investigate historic assumptions and policies regarding secured-property and transfer tax revenues; (b). consider a one-time allocation of a certain percentage of salary savings accruing from historic vacancies that are not likely to be filled in the short-term; (c). consider prospective Public Works plan to charge utilities for pavement impact.
2. Refer to the June 2022 Budget process \$8 million per year to be transferred to the CIP based on Committee consideration and any conclusions.
Policy Committee Recommendation: On April 19, 2022, the Budget & Finance Policy Committee sent the item to Council with a qualified positive recommendation removing item 1 (c) consider the sale of underutilized city-owned property.
Financial Implications: See report.
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation of the Budget & Finance Committee.
14. **Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to the Actor's Ensemble Company to Perform a Staged Reading of the play, "Roe" at the Goldman Theatre in the David Brower Center on June 12, 2022**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Wengraf, to the Actor's Ensemble Company to fund a staged reading of the play, "Roe" at the Goldman Theatre of the David Brower Center on June 12, 2022
Financial Implications: See report.
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,359–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$200; Councilmember Harrison - \$100; Councilmember Bartlett - \$250; Councilmember Taplin - \$200; Councilmember Robinson - \$200; Councilmember Kesarwani - \$50; Councilmember Hahn - \$250.

Action Calendar – New Business

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

Recommendation:

1. Adopt the Resolution of Intention in order to approve the amendment of the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and PEPPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.

Council adopted Resolution #70,156 N.S. at its December 14, 2021, meeting authorizing the FY2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY2022-23 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

Financial Implications: See report.

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

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

1. Adopt Resolution No. 70,360–N.S. including the amended contract;
 2. Adopt first reading of Ordinance No. 7,813–N.S. including the amended contract.
- Second reading scheduled for June 14, 2022.

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

Councilmember Hahn absent 8:52 p.m. – 8:58 p.m.

Action Calendar – Public Hearings

**16. Changes to the Land Use Planning Division Fee Schedule / Hourly Rate
From: City Manager**

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to adopt revisions to the fee schedule for the Land Use Planning Division of the Planning and Development Department, effective July 1, 2022, to increase the hourly rate for staff time from \$200 to \$230 per hour, increase related deposits and fixed-rate permit application fees to reflect the new rate and to more accurately reflect the staff time required to process various permit types, adopt new fees for new permit types, and clarify the existing fee descriptions.

Financial Implications: See report

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,361–N.S.

Vote: All Ayes.

**17. FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing
#1**

From: City Manager

Recommendation: Accept the FY 2023 and FY 2024 Proposed Biennial Budget for review and consideration by the City Council and final adoption on June 28, 2022 and conduct Public Hearing #1 on the FY 2023 and FY 2024 Proposed Budget.

Financial Implications: See FY 2023 and FY 2024 Proposed Biennial Budget

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

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

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

Councilmember Taplin absent 10:09 p.m. – 11:15 p.m.

Councilmember Hahn absent 10:12 p.m. – 11:15 p.m.

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

Vote: Presentation made and discussion held. No action taken.

Action Calendar – New Business

18. Berkeley’s Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by November 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the City Manager and Finance Department. They have agreed to our findings and recommendations. Please see our report for their complete response.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: 4 speakers. Presentation made and discussion held.

Council Action Items

19. Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual *(Reviewed by the Public Safety Committee)*

From: Councilmember Droste (Author), Councilmember Taplin (Author)

Recommendation: Revise Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department (BPD) Law Enforcement Services Manual to enable officers of the Berkeley Police Department to conduct detentions and warrantless searches individuals on parole/probation consistent with and supportive of the provisions in the probationer’s/parolee’s release conditions.

Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation, as revised by the committee and subject to legal review. Section 311.6 was revised to read: In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement or rehabilitative purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion. In the conduct of all such detentions and searches, officers shall consciously avoid the application of bias, shall not use such detentions or searches as a means to harass or annoy, and shall not conduct such detentions and searches in a manner that targets or is discriminatory toward any protected class.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: 13 speakers. M/S/C (Arreguin/Droste) to continue the item, including revised materials to July 12, 2022.

Vote: All Ayes.

Information Reports

20. **Mental Health Commission Annual Report 2021-2022**

From: Mental Health Commission

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action: Received and filed.

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

Adjournment

Adjourned at 11:15 p.m.

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

Mark Numainville, City Clerk

Communications

Item #7: Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets

1. Linda and Steve Rosen
2. Rebecca Navarrete Davis

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law

3. Vincent Southerland, on behalf of NYU Law

California Theatre

4. Dorothy Walker
5. Laura Soble
6. Lynn Koolish
7. Jennifer Winch
8. Robb Walker
9. Rosa Luevano
10. David Crane
11. Lucy Friedland

Ashby and North Berkeley BART Development

12. Michael Gene Anderson
13. Layo Freed (2)
14. Peter Fineberg
15. Avram Gur Arye
16. Isaac Nicholson
17. Helga Recke

18. Ned Himmel
19. Robin Halprin
20. David Rice
21. Sarah Adelman
22. Suzanne McMillan
23. Hal Sternbert
24. Shirley McNeal
25. Sabina McMurty
26. Dona Boatright
27. Cindy Shamban
28. Irene Rice
29. Shoana Humphries
30. Jacqueline Wilson
31. Franklin Lei
32. Robert Dunn
33. Ori Skloot
34. Jennifer King
35. Nancy Lichtenstein
36. Claire Schoen
37. Carolyn McMillan
38. Alex Bixler
39. Karen Eisenstadt
40. 21 similarly-worded form letters (7 stories maximum)

Cesar Chavez Park

41. Sandra Blair
42. Jon Stewart
43. Marty Schiffenbauer
44. Max Ventura
45. Rebecca Weinstein
46. Ingrid Good

Climate Change

47. Thomas Lord (2)

Homelessness, RV Living and Encampments

48. Brigitte Nicoletti
49. Evan F.
50. Osha Neuman (2)
51. Paul Buddenhagen, Deputy City Manager

City of Berkeley's New Website

52. Thomas Lord (2)
53. Bryce Nesbitt

2134-36 Curtis Street Complaint

54. Ramona M. Cavanaugh (2)

Budget Proposal for Police Accountability Work

55. Michael Chang, Chairperson of Police Accountability Board

2712-2714 Telegraph Avenue

56. Christine Brozowski

Fair Work Week Ordinance

57. Jane Scantlebury

Bicycle Data

58. Margot Smith

Sanctuary Contracting Ordinance

59. Elana Auerbach

Traffic Intersection Cameras

60. Carol Cohen

Proclamation Honoring Yassir Chadly

61. Helga Recke

Life Threatening Incident at Strawberry Creek

62. David Kahn

Flex Team

63. Eric Friedman

Food Deserts

64. Genevieve Kaplan

933 Colusa

65. Ashok Sabhlok

5G Effects

66. Vivian Warkentin

Grizzly Peak Traffic

67. Joshua Bloom

Pandemic Variants

68. purplecosmicpoet@

BUSD AAPI Heritage Month

69. Reichi Lee

Bronx Tenants – Limited Equity Co-op

70. Marty Schiffenbauer

Decriminalize Entheogenic Plants

71. Abigail Kemalyan

Fentanyl Drug Trafficking

72. Ronald Kirkish

Agenda Committee v. Brown Act

73. Thomas Lord

Unsworn Officer Traffic Enforcement

74. Thomas Lord

Supplemental Communications and Reports 1

Item #7: Budget Referral: Street Maintenance Funding to Prevent Further Deterioration of Pavement Condition to Save Tax Dollars and Our Streets

75. Bob Laird

76. Karen Davis

77. Karen Rice

78. Linda Rosen

Item #8: Budget Referral: Capacity Building for Merchant Associations in the Gilman and Lorin Districts

79. Revised material, submitted by Councilmember Kesarwani

Item #11: Budget Referral: Fund Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments

80. Revised material, submitted by Councilmember Harrison

Item #15: 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

81. Supplemental material, submitted by Human Resources

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

82. Michael Chang, Chairperson, Police Accountability Board

Supplemental Communications and Reports 2

Item #1: Amendment: FY 2022 Annual Appropriations Ordinance

83. Revised material, submitted by Councilmember Harrison

84. Leslie Stone

Item #6: Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances

85. Ronan

86. Victor Ichioka (2)

87. Roberta Wyn

Item #9: Urge the AC Transit Board of Directors to Restore and Expand on Pre-Pandemic Transbay Bus Service and Bus Service to the Berkeley Hills

88. Christian Peeples

89. Jack Kurzweil

Item #18: Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

90. Revised material, submitted by the City Auditor

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

91. Revised material, submitted by Mayor Arreguin

92. Erwin Chemerinsky

93. Diana Bohn

Supplemental Communications and Reports 3

Item #6: Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances

94. Cathy Fogel

95. Jim McGrath

96. Rachel Bradley

97. Jon and Satyal Love

98. Grant

99. Sally Tobin

100. Victor Ichioka

Item #12: Resolution in Support of SB 379: The Solar Access Act

101. Igor Tregub

Item #17: FY 2023 and FY 2024 Proposed Budget and Proposed Budget Public Hearing #1

102. Presentation, submitted by the City Manager's Office

Item #18: Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention

103. Presentation, submitted by the Auditor

Item #19: Revisions to Section 311.6 Warrantless Searches of Individuals on Supervised Release Search Conditions of the Berkeley Police Department Law Enforcement Services Manual

- 104. Kitt Saginor
- 105. Elliot Halpern
- 106. Mary Ann Meany
- 107. Moni Law
- 108. Diana Bohn

Support for Full Funding of the Community Anti-Displacement and Preservation Program in the California Budget Act of 2022

- 109. Submitted by Mayor Arreguin and Councilmember Harrison
- 110. Bhima Sheridan (2)
- 111. Chimey Lee
- 112. Katharine Bierce
- 113. Elana Auerbach
- 114. taptango@

MINTUES
BERKELEY CITY COUNCIL MEETING
Tuesday, May 31, 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
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 ATTENDANCE AND VIRTUAL PARTICIPATION

Proof of up-to-date COVID-19 vaccination or verified negative COVID-19 test is required for in-person attendance. In-person attendees are required to wear a mask that covers their nose and mouth for the duration of the meeting. If you are feeling sick, please do not attend in-person.

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88127787306>. 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: **881 2778 7306**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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: 6:05 p.m.

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

Absent: Kesarwani, Harrison

Councilmember Kesarwani present at 6:09 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Toni Gardner, Local Activist and Mother of Vice-Mayor Harrison
2. Recognition of the Berkeley High School Debate Team – National Tournament Champions
3. Presentation by East Bay Community Law Center and Eviction Defense Center

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to add an item to the agenda relating to an excused bereavement absence for Vice-Mayor Harrison pursuant to Government Code Section (54954.2(b)(2) and making the finding that there is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

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

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

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

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

Urgency Item: Grant Excused Absence to Vice Mayor Harrison Pursuant to Charter Article V, Section 19 and the City's Bereavement Policy

From: Vice Mayor Kate Harrison

Recommendation: Grant excused absence to Vice Mayor Harrison pursuant to Charter Article V., Section 19, and consistent with the City's bereavement policy regarding death of a "close family member."

Contact: Vice Mayor Kate Harrison, 510-981-7140

Action: Approved recommendation.

Consent Calendar

- 1. 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, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,362–N.S.
- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 12 (closed and regular), April 19, (closed and special), April 21 (special), April 26 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 3. Resolution Supporting the Sale of 3404 King Street and transfer of the Turning Point transitional housing program for homeless youth from Fred Finch Youth Center to Larkin Street Youth Services**
From: City Manager
Recommendation: Adopt a Resolution supporting the sale of the property at 3404 King Street, currently owned by Fred Finch Youth Center (FFYC), to Larkin Street Youth Services (LSYS) to continue operating the Turning Point transitional housing program for homeless transition-aged youth. The proposed resolution would: Immediately forgive in full an outstanding Housing Trust Fund loan on the property, with an outstanding balance of \$305,000, otherwise set to be forgiven in 2027; Authorize the City Manager to enter into contract and necessary amendments with LSYS and reallocate the balance of the funding currently committed to FFYC through the FY20-23 Community Agency Funding RFP process, in an amount not to exceed \$89,255 in FY23; Reallocate funding from contract with Covenant House California (Contract No. 31900239) when said contract terminates at the end of June 2022, in an amount not to exceed \$318,000 for FY23, to LSYS.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,363–N.S.

Consent Calendar

- 4. Commission Reorganization: Amendments to Berkeley Municipal Code Section 7.52.190 (Homeless Services Panel of Experts)**
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance amending Section 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.
2. Adopt a Resolution rescinding Resolution No. 60,647-N.S. which established the Homeless Commission.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: 1. Adopted first reading of Ordinance No. 7,814-N.S. Second reading scheduled for June 14, 2022. 2. Adopted Resolution No. 70,364–N.S.
- 5. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Report of FY 2022 and preliminary budget for FY23 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,365–N.S.
- 6. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2023.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,366–N.S.
- 7. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2023.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,367–N.S.

Consent Calendar

- 8. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the TBID for FY 2023.
Financial Implications: See Report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,368–N.S.
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 31, 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: Various Funds - \$535,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 10. Notice of Appropriations Limit for Fiscal Year 2023**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2023 at its meeting of June 28, 2022; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 13, 2022.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,369–N.S.

Consent Calendar

- 11. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:
1. Foster Care Program in the projected amount of \$93,187 for FY 2023.
 2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for FY 2023.
 3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for FY 2023.
 4. Tobacco Prevention Program in the projected amount of \$78,960 for FY 2023.
- Financial Implications:** See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,370–N.S. (Foster Care); Resolution No. 70,371–N.S. (BHS & BTA), Resolution No. 70,372–N.S. (School Linked); and Resolution No. 70,373–N.S. (Tobacco Prevention).
- 12. Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,374–N.S.
- 13. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2022 to March 30, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,375–N.S.

Consent Calendar

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

From: City Manager

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

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$358,309 for FY 2023.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$381,147 for FY 2023.
3. Tobacco Trust Fund in the projected amount of \$300,000 in FY 2023.
4. Immunization Program: In the projected amount of \$1,185,901 for FY 2023.
5. Public Health Emergency Preparedness (PHEP)/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected allocation of \$265,000 for FY 2023.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,376–N.S. (CHDP); Resolution No. 70,377–N.S. (MCAH), Resolution No. 70,378–N.S. (Tobacco Trust Fund); Resolution No. 70,379–N.S. (Immunization); and Resolution No. 70,380–N.S. (PHEP).

15. Revenue Grant: Funding Support from the State of California for the Tuberculosis Control Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2023.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,381–N.S.

Consent Calendar

- 16. Contract: Interior Motions for Health, Housing, and Community Services 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 \$135,000 for the period April 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. 70,382–N.S.
- 17. Expenditure Contract: California Mental Health Student Services Act Grant Funds for Berkeley Unified School District for Coordination and Provision of Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Berkeley Unified School District (BUSD) to transfer grant funds in the amount of \$2,267,355 requested for BUSD and received from the Mental Health Services Accountability and Oversight Commission (MHSAOC). These funds will be used by BUSD to coordinate and provide mental health staffing and services in BUSD in Fiscal Years 2022 through 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,383–N.S.
- 18. Approving Proposed Projects Anticipated to be paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2023**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,384–N.S.

Consent Calendar

19. **Berkeley Strategic Transportation Plan Update and Grant Application Opportunities**

From: City Manager

Recommendation:

1. Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Active Transportation Program, accept the grants awarded, and execute any resultant agreements and amendments.
2. Adopt a Resolution: a. Approving the Berkeley Strategic Transportation Plan Third Addendum. b. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Third Addendum to the Alameda County Transportation Commission for funding through the County's Fiscal Year (FY) 2024 – FY 2028 Comprehensive Investment Plan. c. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,385–N.S. (Safe Routes to School); Resolution No. 70,386–N.S. (Bicycle Boulevard Extension), and Resolution No. 70,387–N.S. (BeST Plan). Revisions in Supplemental Communications Packet #1 and #2 from the City Manager to increase dollar amounts and add grant projects.

20. **Declaration of Intent – Fiscal Year 2023 Street Lighting Assessments**

From: City Manager

Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 28, 2022 meeting; and authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2023 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,388–N.S. (District No. 1982-1); and Resolution No. 70,389–N.S. (District 2018).

21. **Contract: Nema Construction for FY 2022 Street Light Maintenance Project**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11506-C; accepting the bid of the lowest responsive and responsible bidder, Nema Construction; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$428,950.

Financial Implications: Street Light Assessment Fund - \$428,950

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

Action: Adopted Resolution No. 70,390–N.S.

Consent Calendar

- 22. Contract: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Recycling LLC to provide construction and demolition materials hauling, sorting and marketing services for an initial five-year term commencing on July 1, 2022. The contract includes an option to extend for one five (5) year period for a maximum ten (10) year contract term and a total amount not to exceed \$21,551,718.
Financial Implications: Zero Waste Fund - \$21,551,718
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,391–N.S.
- 23. Contract No. 102498-1 Amendment: TK Elevator for Elevator Maintenance and Repair Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator) to increase the contract amount by \$500,000 for a total contract amount not to exceed \$1,640,000 and to extend the contract term through June 30, 2025.
Financial Implications: Various Funds - \$500,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,392–N.S.
- 24. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$50,000 for a total contract amount not to exceed \$130,000; and to extend the contract term through June 30, 2024.
Financial Implications: Various Funds - \$50,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,393–N.S.

Consent Calendar

- 25. Contract No. 31900031 Amendment: Downtown Streets Team for Expanded Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 31900031 with Downtown Streets Team (DST) to: 1. Increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; and 2. Expand DST services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and 3. Negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.
Financial Implications: Various Funds - \$400,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,394–N.S.
- 26. Contract No. 32000246 Amendment: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvement Project (“Project”), Specification No.20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.
Financial Implications: Measure BB Fund - \$250,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,395–N.S.
- 27. Purchase Order: Papé Machinery, Inc. for the completed rebuild and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Papé Machinery, Inc. for the completed rebuild, major component replacement and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.
Financial Implications: Equipment Maintenance Fund - \$345,188
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,396–N.S.
- 28. Authorization for Additional Civic Arts Commission Meeting in 2022**
From: Civic Arts Commission
Recommendation: Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2022.
Financial Implications: None
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 70,397–N.S.

Consent Calendar

- 29. Arts Commission Budget Referral: Festival Grants Budget Allocation**
From: Civic Arts Commission
Recommendation: Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023.
Financial Implications: See Report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Approved recommendation.

Council Consent Items

- 30. Budget Referral: Small Business Rental and Legal Support**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses. The City Manager shall create the criteria and formula to distribute the funds as described in the report.
Financial Implications: American Rescue Plan Act - \$1,000,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.
- 31. Budget Referral: Ceasefire Program Staffing**
From: Councilmember Taplin (Author)
Recommendation: Refer \$1,000,000 (\$1M) to the budget process to provide full staffing for a Berkeley Ceasefire program.
Financial Implications: General Fund - \$1,000,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation.

Council Consent Items

- 32. Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes: 1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.; 2. Teacher training for mental health awareness; 3. Facilitator/support resources to assist with coordination and scheduling of services.
Financial Implications: General Fund - \$350,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
- 33. Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement**
From: Councilmember Harrison (Author)
Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator in the Health, Housing and Community Services (HHCS) Department to assist with enforcement of existing and prospective labor laws and regulations.
Financial Implications: General Fund - \$104,863
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
- 34. Support for SB-1076 Lead-based paint (Archuleta)**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter of support to Senator Archuleta for his proposed legislation: SB-1076 Lead-based paint, with a copy to Nancy Skinner.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Approved recommendation.
- 35. Budget Referral: Purchase of Electric Bicycles for City Use**
From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$25,000 to the FY 2023-2024 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.
Financial Implications: General Fund - \$25,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.

Action Calendar

36. Updating Published Charges: Mental Health Clinical Services

From: City Manager

Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for Fiscal Year 2022. Published Charges are effective July 1, 2021.

Financial Implications: See report.

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

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

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

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,398–N.S.

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

Recess 7:38 p.m. – 7:49 p.m.

Action Calendar – New Business

37. Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

From: City Manager

Recommendation: Discuss the results of the recent community survey; provide direction to the City Manager on whether to continue working towards placing measure(s) on the November ballot, and, if so, the type of and dollar amounts for revenue measures; and provide input on the Vision 2050 Program Plan.

Financial Implications: See report

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

Action: 17 speakers. M/S/C (Hahn/Taplin) to approve the direction in Supplemental Communications Packet #2 from Mayor Arreguin as written below.

The City Council directs the City Manager and City Attorney to prepare a package of infrastructure revenue measures to submit to the November 2022 ballot modeled after Option #2 in the staff report (Two Measures) with the following details:

Parcel Tax for Streets

- *A parcel tax of \$0.30 per building square foot, raising approximately \$28 million annually, to improve streets and traffic safety (Program Plan's Outcome 1).*

Action Calendar

- *Provide the costs to voters of a lower parcel tax amount.*

A parcel tax should:

- *Focus on safe, attractive, green, and sustainable streets, funding improved streetscapes including rehabilitation of failed streets, maintenance and resurfacing, pedestrian/bike/transit improvements, and streetscape/landscape improvements made alongside repaving projects and projects unassociated with paving.*
- *Be time limited for a period of 14 years. Any extension after that period would require reauthorization by the voters.*
- *Include advisory language in the ballot measure requesting that the City Council make an annual commitment of General Fund revenues to maintain a minimum level of funding to ensure that the city's pavement condition does not decline, revenues/economic conditions permitting.*
- *Include an exemption for low-income homeowners*
- *Research whether the City can impose a split roll rate for residential and commercial properties, with the residential tax rate being lower.*
- *Advance equitable mobility by directing staff to follow adopted City policies and plans in developing the Vision 2050 Program Plan, choosing projects, and allocating funds.*
- *Direct staff to revise the Program Plan to specify the funding percentages/amounts that will be used for various parcel tax goals. Council should review and adopt the Program Plan prior to the November vote.*

The Plan could be revised to outline allocations in various ways, for instance:

- *street rehabilitation of failed streets,*
- *street maintenance/resurfacing,*
- *ped/bike/transit improvements made alongside repaving projects,*
- *ped/bike safety and transit improvements unassociated with paving, and*
- *sidewalks.*

With respect to bicycle and pedestrian improvements, consider 10-year goal to at least build the Low-Stress Bikeway Network and implement pedestrian plan priority street segment recommendations.

General Obligation Bond for Housing and Other Infrastructure

Action Calendar

- *A \$300 Million dollar general obligation bond to finance affordable housing production and preservation, and other infrastructure needs with the following allocation:*
 - *\$150 Million for affordable housing production and preservation including housing for seniors, persons with disabilities, low-income families and persons experiencing homelessness.*
 - *\$150 Million to improve resilience to climate change, wildfire prevention and protection, and to improve other public infrastructure (Program Plan's Outcomes 2, 3, and 4); request more definition of the types of projects that could be funded by this bond.*

Direction for Both Measures

- *Both measures should include references to the use of the Vision 2050 Program Plan and adopted City Plans and policies as guidance for the allocation of streets and infrastructure funding.*
- *Both measures should assess taxes on commercial parking garages including them in the building square footage taxable.*
- *Oversight by the new Transportation & Infrastructure Commission, Parks Commission (as needed) and Housing Advisory Commission (on housing funds), who will make recommendations on the annual paving plan, on infrastructure expenditures and housing allocations. The Commissions will also ensure on an annual basis that tax and bond proceeds are spent consistent with the purposes of the measures and produce reports outlining its review of expenditures.*

Annual independent audits to ensure that funds are spent consistent with the purposes of the measure.

Additional requests for information related to options for oversight, process for determining priority of projects/repairs, and the funds dedicated to climate goals.

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

Council Action Items

38. City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program

From: City Manager

Recommendation: Provide comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to continue Item 38, including Supplemental material from City Manager in Supplemental Communications Packet #2 to June 14, 2022.

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

39. Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)

From: Councilmember Harrison (Author)

Recommendation: Refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.

Policy Committee Recommendation: Send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Information Reports

40. Referral Response: Further Supporting Worker Cooperatives

From: City Manager

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: Received and filed.

Information IReports

41. On-Call Energy Efficiency Services Contracts through On-Bill Financing From: City Manager

Contact: Alene Pearson, Planning and Development, (510) 981-7400

Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on May 31, 2022.

Mark Numainville, City Clerk

Communications

Soft-Story Seismic Retrofit

1. Todd Andrew

Revitalizing Downtown Berkeley

2. Steven Schuyler

Unfreeze Vacant Positions at the Berkeley Police Department

3. Kaht Dorward and Edward Cohen
4. Rachel Bradley
5. Tom Miller

Hopkins Corridor

6. S. Omowale Fowles
7. Octavia
8. Margot Smith
9. Kaellyn Moss
10. Sally Nelson

May is Mental Health Awareness Month

11. Mental Health Commission

Brown Act Complaint

12. Thomas Lord (2)

ADA vs. Council Practice

13. Thomas Lord

City Code Regarding Tenants Rights

14. Jay Shawl

Decriminalize Entheogenic Plants

15. Shannon Lavelle

Tenant Opportunity to Purchase Act (TOPA)

16. Lynda Winslow

Rodeway Inn (Adobe Services)

17. Sylvia

People's Park

18. Rin Lopez

19. Chimey Lee

Mountain Biking Destroying Wildlife Habitat

20. Mike Vandeman

Homelessness and Encampments

21. Jahlee Arakaki (2)

22. S. Omowale Fowles

COVID-19

23. Todd Andrew

Chavez Park

24. Michele Bernal

California Theatre

25. Alexa Wilkie

Conflict of Interest Reports

26. Margot Smith

Train Horns

27. Lauren Parsons

Supplemental Communications and Reports 1

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

28. Revised material, submitted by the Public Works Department

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

29. Jeffrey Heller

30. Tawny Reynolds

Item #38: City Council Comments on the FY 2023 and FY 2024 Propose Biennial Budget and Capital Improvement Program

31. Xandra Castleton

32. Sonia Caltvedt

33. Nina Boeddeker

34. Amy Young

Item 39: Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies

35. Tawny Reynolds

Supplemental Communications and Reports 2

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

36. Revised material, submitted by Public Works

Item #22: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services

37. Eric Lynch, on behalf of Waste Management

38. Francine Areas, on behalf of Zanker Recycling

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

39. Supplemental material, submitted by Mayor Arreguin

40. Revised material, submitted by Councilmember Harrison

41. Susan Schwartz

42. S. Entwistle

43. Ray Yep

44. Ben Gerhardstein, on behalf of Walk Bike Berkeley

45. Michael Katz

46. Rivka Polatnick, on behalf of Racism and Criminal Justice Reform group (RCJR)

47. Derethia DuVal

Item #38: City Council Comments on the FY 2023 and FY 2024 Propose Biennial Budget and Capital Improvement Program

48. Supplemental material, submitted by the City Manager

Supplemental Communications and Reports 3

Item #19: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

49. Abby Thorne-Lyman, on behalf of BART

Item #37: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

50. Presentation, submitted by Public Works

51. Hector Malvido

52. Barbara White

53. Wilhelmenia Wilson

54. Diana Bohn

55. Moni Law

56. Friends of Adeline

57. James McGrath

58. Barbara Gilbert

59. Charlene Washington

Miscellaneous

Ashby and North Berkeley BART Development

60. Neighbors Not Towers Voter Bloc

61. Anonymous

