



Office of the City Manager

CONSENT CALENDAR
July 26, 2022

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

RECOMMENDATION

Approve the minutes for the Council meetings of June 2 (special), June 13 (closed), June 14 (regular), June 21-4 p.m. (special), June 21-6 p.m. (special), June 27 (closed) and June 28 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. June 2, 2022-Special Council Meeting
2. June 13, 2022-Closed Council Meeting
3. June 14, 2022-Regular Council Meeting
4. June 21, 2022 (4 p.m.)-Special Council Meeting
5. June 21, 2022 (6 p.m.)-Special Council Meeting
6. June 27, 2022-Closed Council Meeting
7. June 28, 2022-Regular Council Meeting

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

**Thursday, June 2, 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/86518584336>. 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: **865 1858 4336**. 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: 6:02 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:05 p.m.

Action Calendar – Public Hearing

1. **Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution (a) certifying the Final Environmental Impact Report (EIR), adopting the California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations, adopting mitigation measures, and adopting a Mitigation Monitoring and Reporting Program (MMRP) for the proposed zoning and General Plan, Municipal Code, and Map amendments; (b) amending the General Plan to include the Ashby and North Berkeley BART Mixed Use Transit Oriented Development General Plan Land Use Classification text and map amendments; and (c) adopting the City and BART Joint Vision and Priorities (JVP) for Transit Oriented Development at the Ashby and North Berkeley BART Stations (Attachment 1 to the report, Exhibits A - F); and
2. Adopt first reading of an Ordinance to amend the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance (Attachment 2 to the report); and
3. Adopt a Resolution adopting the Memorandum of Agreement (MOA) regarding North Berkeley and Ashby Transit-Oriented Developments (Attachment 3 to the report).

Financial Implications: See report

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

Action: M/S/C (Arreguin/Harrison) to accept:

1. Supplemental material on Item 1 from Councilmember Hahn regarding proposed revisions to the BART Zoning.
2. Revised material on Item 1 from Mayor Arreguin regarding revisions to the City and BART Joint Vision and Priorities document.
3. Revised material on Item 1 from the Planning and Development Department to separate the resolution referenced in the first part of the recommendation into two distinct resolutions.

Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 133 speakers.

Action Calendar – Public Hearing

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

Vote: All Ayes.

Recess 8:10 p.m. – 8:20 p.m.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Recess 10:44 p.m. – 10:49 p.m.

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 70,400–N.S. as revised in the materials from the City Manager in Supplemental Communications Packet #3, (a) certifying the Environmental Impact Report for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project (SCH# 2020110320) (“EIR”), Adopting California Environmental Quality Act (CEQA) Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program; (b) Adopting General Plan Amendments for the Ashby and North Berkeley Bart Station Areas. Mitigation Measure GHG-1 of the CEQA Findings Statement of Overriding Considerations (Exhibit D to the Resolution) is amended to read as follows:

Mitigation Measure GHG-1: GHG Reduction Program. Applicants for future development allowed under the proposed project shall prepare and implement a Greenhouse Gas Reduction Program (GGRP) that includes on-site GHG reduction measures to reduce the project’s total remaining GHG emissions to 1.1 MT of CO₂e per service person per year or less (a total of approximately 1,355 MT of CO₂e per year). Potential options include, but would not be limited to:

- *Supply 100 percent of electricity from renewable energy resources. Current options include opting into EBCE’s Renewable 100, PG&E’s Solar Choice, or PG&E’s Regional Renewable Choice.*
- *Install additional electric vehicle charging stations beyond those required under BMC Chapter 19.37 within proposed parking areas.*
- *Implement a transportation demand program that includes measures beyond those required by the City of Berkeley Transportation Demand Management (TDM) requirements. Program measures may include priority parking spaces for carpools, electric rideshare vehicles for residents and employees, and a bicycle sharing program.*
- *Prohibit installation of natural gas fireplaces. Comply with BMC Chapter 12.80 prohibiting the installation of natural gas infrastructure in newly constructed buildings.*
- *Use electric-powered construction equipment.*
- *Use electric-powered landscape equipment.*

Staff is authorized to make clarifying changes to the language to conform to Council’s action.

Vote: All Ayes.

Action Calendar – Public Hearing

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,401–N.S. adopting the Memorandum of Agreement (MOA) between the City of Berkeley and the Bay Area Rapid Transit District regarding the North Berkeley and Ashby Transit-Oriented Developments including Exhibit A in the supplemental material from the City Manager in Supplemental Communications Packet #1.

Vote: All Ayes.

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 70,402–N.S. adopting the City and BART Joint Vision and Priorities document for Transit Oriented Development and the implementation of Assembly Bill 2932 at the Ashby and North Berkeley BART Stations areas as submitted in the supplemental material from the City Manager in Supplemental Communications Packet #3, including revisions to the Joint Vision and Priorities document as reflected in the revised material from the Mayor in Supplemental Communications Packet #3, with further amendments to the Public and Civic Space section of the Joint Vision and Priorities document to revise Shared Priorities sub-section A to read as follows:

A. Maintenance Costs. New civic space should be maintained by the developer and/or lessee to minimize the ongoing cost of operations and maintenance to BART and the City.

Vote: All Ayes.

Action: M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 12:40 a.m.

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

Action: M/S/Failed (Hahn/Wengraf) to adopt first reading of Ordinance No. 7,815–N.S as revised in the supplemental materials from the City Manager in Supplemental Communications Packet #2 (including a Floor Area Ratio Maximum of 4.2, a Main Building Height Maximum of 80 feet and 7 Stories, and a Residential Density Minimum of 75 dwelling units per acre), and further amended by the revised material from Councilmember Hahn in Supplemental Communications Packet #3, amending the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance, with the following additional amendments:

1. Revising the fourth entry of Table 23.202-27 to read as follows:

Frontage Locations	Permitted Street-Facing Ground Floor Uses
Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner, except at the corner of Acton and Virginia.	Residential or Non-Residential Uses

2. Referring to the City Manager to consider varied heights as part of the Objective Design Standards Process.

Action Calendar – Public Hearing

3. Authorizing the City Manager and the City Attorney to make any necessary non-substantive amendments in line with Council’s action.

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

Action: M/S/Carried (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,815–N.S as revised in the supplemental materials from the City Manager in Supplemental Communications Packet #2 (including a Floor Area Ratio Maximum of 4.2, a Main Building Height Maximum of 80 feet and 7 Stories, and a Residential Density Minimum of 75 dwelling units per acre), and further amended by the revised material from Councilmember Hahn in Supplemental Communications Packet #3 and as clarified in the Mayor’s revisions that were verbally added by reference, amending the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance, with the following additional amendments:

1. Revising the fourth and fifth entries of Table 23.202-27 to read as follows:

Frontage Locations	Permitted Street-Facing Ground Floor Uses
Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner, except at the corner of Acton and Virginia.	Residential or Non-Residential Uses
Along Delaware, Acton, or Virginia	Residential Uses

2. Excluding the following elements from the amendments submitted by Councilmember Hahn in Supplemental Communications Packet #3, and instead referring them to the City Manager for consideration as part of the BART Community Objective Design Standards Process:

Private Usable Open Space: Consider standards for private usable open space. For example:

“70% of Private Usable Open Space may be provided as any combination of personal and common private space. 30% must be provided as personal private space.”

Rooftop Open Space: Consider rooftop open space standards that are more stringent than those adopted by the zoning ordinance. For example:

“Rooftops may be utilized as Private Usable Open Space or, if within 35 vertical feet of ground level and easily accessible from ground level Public Open Space, as Public Open Space meeting the requirements of 23.202.150.A.3 (Additional Open Space Requirements – Definitions). No more than 15% of Public Open Space requirements can be met with Rooftop Open Space.”

Action Calendar – Public Hearing

Front Setbacks: Consider a landscaped buffer. For example:

“A landscaped buffer and street trees, as well as sidewalks wide enough for peak pedestrian circulation, are required along all perimeter public rights-of-way. If necessary, these may be achieved through setbacks or a dedication of land to the right-of-way.”

Transparency – Required Openings: Consider a lower limit for the amount of space without a window, door, or other similar building opening. For example:

“Required Openings. Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 25 feet without a window, door, or other similar building opening.”

Illumination. Consider standards for illumination that are appropriate for each station.

Parking Design and Access – Drop-Off and Delivery. Consider standards for placement of commercial and passenger pick-up and drop-off zones. For example:

“Drop-Off and Delivery. All commercial and passenger pick-up and drop-off shall be provided for on site, adjacent to public or private streets.”

Off-Street Parking: Consider off-street parking space standards to accommodate accessible parking. For example:

“R-BMU District: None required, except that accessible parking spaces shall be provided in a Title 24 ratio calculated as if one parking space were required per unit, and at least 50% of accessible spaces shall be van-accessible.”

3. Referring to the City Manager to consider varied heights as part of the Objective Design Standards Process.
4. Authorizing the City Manager and the City Attorney to make any necessary non-substantive amendments in line with the direction of Council.

Second reading of the ordinance is scheduled for June 28, 2022.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 12:25 a.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on June 2, 2022.

Rose Thomsen, Deputy City Clerk

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

1. Ethan Byxbe
2. Tom Reilly
3. Linda Rosen
4. Larry Orman
5. Sue Martin
6. Rose Ann Cochran
7. Adam Davis and Oana Cogan
8. Nina Torcoletti
9. North Berkeley Neighborhood Alliance
10. Ian Petrich
11. Cece Littlepage
12. Becki and Peretz Wolf-Prusan
13. Anne Boersma (2)
14. Laura Garcia Moreno
15. Carolyn McNiven
16. Stephanie Manning
17. Rachel Bradley
18. Sabina McMurtry
19. Cherie Hearne
20. Diana Bohn
21. Sue Martin
22. Ernie Mansfield
23. Phil Allen
24. David Brandon
25. Michelle Pasternack
26. Aimee Baldwin
27. Emily Klion
28. Steve Sperber
29. Richard Links
30. Doris Nassiry
31. Vicki Sommer
32. Roberta Silverstein
33. Barbara Rydlander
34. Valerie Dow

35. Laura Magnani
36. Kathleen Davis
37. Zelda Bronstein
38. Julieta Pisani McCarthy (2)
39. Toni Casal
40. Todd Jailer
41. Verna Uchida
42. Herbert Dang
43. Mary Louise Zernicke
44. Margaret Tormey
45. Councilmember Harrison
46. Sean Martin-Hamburger
47. Kerna Trottier
48. Leni Siegel
49. Dan Sibley
50. Ivan and Sarah Diamond
51. Josh Gutwill
52. Sue Jones
53. Inette Dishler
54. Elisa Mikiten
55. James Babcock
56. Susan DeMersseman
57. Scott Selmanoff
58. Barbara Shayesteh
59. Kris Muller
60. Leslie Dickersin
61. Eleni Sotos
62. David Ushijima
63. Emily McAfee
64. Karen Jacobs
65. Milo Trauss
66. Berkeley Neighborhood Council
67. Donna Mickleson
68. Jack Sawyer
69. Walter Wood
70. Ida Kuluk
71. Jackson Lester
72. Meryl Siegal
73. Larry Orman
74. Campbell B
75. Stephen Most
76. Rick Marcus
77. Kathleen Carroll
78. Jenifer Steele
79. Robert Dering and Gay Gale
80. Mark Ally
81. Maris Arnold
82. Justin Baldwin
83. Margot Smith

84. Stephen Wood
85. Leni Siegel
86. Judith Brown and Shannon Brown
87. Louise Rosenkrantz
88. Tobey Wiebe
89. Jonathan Lipschutz
90. Linda Wood
91. Phyllis Oyama
92. Leslie Stone
93. Sally Hughes
94. Seth Kimball
95. Rob Wren
96. Michele Arreola-Burl
97. Todd Darling
98. Roberta Silverstein
99. Stephen Sperber
100. Janel Coleman and Berne Reuben
101. Nancy Graham
102. Priscilla Hine
103. Chris McKee
104. Kenneth Gross
105. Ednah Beth Friedman
106. Janice Schroeder
107. Cecile Leneman
108. Jeannette MacMillan
109. Joan Hamilton
110. Catherine Ronneberg
111. Linda Rosen
112. Cressida Simpson
113. Jordan Harrison
114. Charlene Harrington
115. Margaret Pritt
116. Ben Domingue
117. Toni Mester
118. Summer Brenner
119. Lynn Cooper
120. Tobey Wiebe
121. Phyllis Rothman
122. John Carroll
123. Lee Bishop
124. Louise Specht
125. Phyllis Orrick
126. Megan Wachpress
127. Jeannette MacMillan
128. Stephen Woodrow
129. Alfred Twu
130. Michael Barglow
131. Chris and Libby Lee-Egan
132. James Mattson

- 133. 44 similarly-worded form letters (JVP 1-4)
- 134. 17 similarly-worded form letters (7 stories max)

Supplemental Communications and Reports 1

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

- 135. Supplemental material, submitted by the City Manager's Office
- 136. Negeene Mosaed
- 137. Laura Klein
- 138. Lisa Bruce
- 139. Virginia Warheit
- 140. Kris Eggen
- 141. Maria and Rick Faszholz
- 142. Linda Helman
- 143. Paola Laverde, on behalf of the Berkeley Tenants Union
- 144. Sally Bean
- 145. Elana Auerbach
- 146. Elizabeth Wilson
- 147. David Simpson
- 148. Vicki Sommer
- 149. Marice Ashe
- 150. Phil Allen
- 151. William Bombria
- 152. Ann May
- 153. Mary Lai
- 154. Alden Mudge and Mari Loria
- 155. Julieta Pisani McCarthy
- 156. Roberta Hopkins
- 157. Jane McKinne
- 158. Richard Whittow
- 159. Jennifer Willmann
- 160. Jane Kitchel
- 161. Martha Geering
- 162. S. Entwistle
- 163. David and Koho Baker
- 164. David Levine
- 165. Lina Urbain
- 166. Constance Rivemale
- 167. Linda Franklin
- 168. Leslie Valas
- 169. Anne-Lise Francois
- 170. Sheila Himmel
- 171. Carla Woodworth
- 172. Marianne Sluis
- 173. Friends of Adeline
- 174. Stephanie and Ali Alladin
- 175. Tony Corman

176. Robert Schonberger
177. Patricia and Kazu Iwasaki
178. Joanna Baker
179. Gabriela Kipnis
180. Janice Schroeder
181. Michelle Pasternack
182. Eileen Joyce
183. Colette Meunier
184. Ronald Berman
185. Karl Goldstein
186. Jeanne Schuman
187. Wei-Bing Chen
188. Eva Herzer
189. Edward Opton
190. Margot Smith
191. Melanie Lawrence and John Smail
192. Tom Anthanasiou
193. Judy Kellman
194. Shmuel
195. Donna Anderson
196. Haynes Sheppard
197. Ellen Kramer
198. Wendy Alfsen
199. Miriam Shipp
200. Fran Sheppard
201. Andrea Meghrouni-Brown
202. Joanne Bowsman
203. Jeff and Cathy Brown
204. Roxanne Fiscella
205. Diana Bohn
206. Sara Antunovich
207. Joan Bradus
208. David Lerman
209. Albert Buizade Farre
210. Carolyn Weil
211. Rebecca Lidow
212. Heather Kostrzewa
213. Diana Rowan
214. Mari Kalishock
215. Charlene Woodcock
216. Berkeley Citizens Action Steering Committee
217. Leni Siegel
218. Mel Weitsman
219. Tom Graly
220. Harald Leventhal
221. Davoud Kermaninejad
222. DM P
223. Afy Downey
224. Adam Fuchs

225. Norman McKnight
226. Dewayne Cecil
227. Emilie Strauss
228. Lynn Van Housen
229. Derek and Deirdre Popplewell
230. Barryett Enge
231. Marla and Rick Faszholz
232. Julie Searle
233. Andy Kivel
234. Susan Mathews
235. Laurie MacDougall
236. Mary Lee Noonan
237. Gerda Korner
238. Janie Hall
239. Judith Barish
240. Michael Frantz
241. Ednah Beth Friedman
242. George Hull
243. Sandy Emerson
244. Jennifer Jacobs
245. Vincent Casalaina
246. Christopher Kroll
247. Margaret Goodman
248. Richard Kalman
249. Laura Fujii
250. Jackie
251. Jacqueline Beth
252. Stephen Wood
253. Seth Kimball
254. Marvin Snow
255. Eileen Hughes
256. Friends of Adeline Petitions
257. Laura Goodman
258. Deborah Roosevelt
259. Karen Chernoff
260. Million Skoda
261. Donna Dediemar
262. Tom Hertenstein
263. Elsa Tranter
264. Bronya Feldman
265. Steve Meyers
266. Yuko Fukami
267. Georg Killingsworth
268. Judith Tabb
269. Susan Brand
270. Richard Boyden
271. Ernest Isaacs
272. Stan Goldberg
273. Andrea Cassidy

- 274. Judith Barish
- 275. Robert Warden
- 276. Kenneth Sisson
- 277. Danial Shariat
- 278. 48 similarly-worded form letters

Supplemental Communications and Reports 2

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

- 279. Supplemental material, submitted by the City Manager's Office
- 280. Becca Freed
- 281. Christine Reed
- 282. Chris McKee
- 283. Bob Flasher
- 284. Jennifer Kennedy
- 285. Kevin James
- 286. Mark Mueller
- 287. Naomi Pearce
- 288. Susan Brand
- 289. Skylar Hope Davis
- 290. Les Guliasi
- 291. Michael Brodheim
- 292. Mickey Butts
- 293. Ellen Greenblatt
- 294. Tom Ferris
- 295. Ken Powelson
- 296. Elizabeth Snowden
- 297. Francine Ostrem
- 298. Priscilla Myrick and Tom Cutillo
- 299. David Mendelsohn
- 300. Thea Davison
- 301. Travis Close
- 302. Derek Popplewell
- 303. Yoel Kahn
- 304. Bhima Sheridan
- 305. Lynn Barrow
- 306. John Rice
- 307. Chris Lee-Egan
- 308. Abbie Turiansky
- 309. Marsha Weintraub
- 310. Ben Domingue
- 311. Zachary Ferguson
- 312. Jack Kurzweil
- 313. Pablo Diaz-Gutierrez
- 314. Mary Behm-Steinberg
- 315. Stephanie Allan
- 316. Benjamin Kadish
- 317. Eric Dodds

318. Nancy Lewin
319. Richard Laden
320. Leonard Mudrock
321. Tobey Wiebe
322. Richard Bunce
323. Shawn Drost
324. Tony Corman
325. Seth Kimball
326. Mary Law
327. Beth Goldstein
328. Bob Chlebowski
329. Cheryl Davila
330. Jean Peters
331. Dan Feinberg
332. Eliot Jordan
333. Kori Kody and Steve Jackson
334. Danny Snyder
335. Jane McKinne
336. Kate Kirkhuff
337. Sue Chan
338. Sheri Tharp
339. Elaine Magree
340. Judy Bebelaar
341. Marg Hall
342. Dawn Thomas
343. Susie Zukor
344. Diana Bohn
345. Ludovic Blain
346. Christina Tworek
347. Dough0918@
348. Kirsten Rose
349. Carrie Evans
350. Judy Turley and Duane Anderson
351. Jeffrey Kaplan
352. Abderzak Mehdhkour
353. Carol Cohen
354. Shirely Kirsten
355. Elizabeth MCarthy
356. Sheila Goldmacher
357. Eileen Hughes
358. Liz Ruhland
359. Nicole Henley
360. Kay Schwartz
361. Bruce Alexander
362. Peggy Scott
363. Mori Achen
364. Sara Wolf
365. Claudia Valas
366. Peggy Scott

367. Edward Opton
368. Ryan Max Steinberg
369. Ariana Thompson-Lastad
370. Barbara Fisher
371. Bonnie Gold
372. Zachary Ferguson
373. Kathleen Tuttle
374. Margaret Pritt
375. Felicia Brandon
376. Heidi Nelson
377. Albert Buixade Farre
378. Bobbi Sloan
379. Adrien
380. Jenifer Steele
381. Mrs. The-Ah Cao
382. Katherine Baylor
383. Laura Peterson
384. Shana Rocklin
385. Brendan Irvine-Broque
386. Phyllis Orrick
387. Vicki Sommer
388. Jia Yang
389. Mayling Yang
390. Alicia Klein
391. Shua Chai
392. Todd Andrew
393. Victor Gaspar
394. Libby Lee-Egan
395. Ben Gerhardstein
396. Jim Offel
397. Evan Kerr
398. Justin McAdams
399. Cynthia Johnson
400. Andrew Chen
401. Sue Martin
402. Mariam Barrere
403. Doyle Irvin
404. Larry Orman
405. Johan Busch
406. Karen Benioff Friedman
407. Richard Wallace
408. Councilmember Hahn
409. Gloria Elissha
410. D. Resek
411. Felicia Fields
412. Claire Woodrow
413. Gregory Magofna
414. John Daniel
415. Julie Lamont and Phil Price

416. Ludene Murphree
417. Don Grether
418. Solon Stewart
419. Alvin Warwas
420. Carolyn Shoulders
421. Bernard Marszalek
422. Michelle Mebine
423. David Lerman
424. Bill Springer
425. Pamela Webster
426. Stephen Alpert
427. Carole Meyers
428. Jonathan
429. Sharon Wheat
430. Michelle Pasternack
431. Daniel Jurnove
432. Keri Ferencz
433. Mary Parks
434. Margot Smtih
435. Milo Trauss
436. Jenn Guitart
437. Teresa Clarke
438. Joey Feldman
439. Stephen Vonder Haar
440. Bhima Sheridan
441. Jack Kurzweil
442. Alex Newkirk
443. Kurt Worthington
444. David Soffa
445. Tom and Mary Breiner
446. Elizabeth Givens
447. Elliot Warren
448. Andrew Fox
449. Christine Meuris
450. Gregory Kalkanis
451. Daren Fields
452. Tatiana Libman
453. Daniel Killian
454. Chris Harrelson
455. Margot Smth
456. Nate Kane
457. Nanette Cowardin-Lee
458. Dorothy Gray
459. Vishal Ganesan
460. Sandra Blair
461. Dora Zhang
462. Anne Boersma
463. Alan Tobey
464. Grayson Peters

465. Bobby Lutzker
466. Ronan Potage
467. Nico Calavita
468. Shirley Dean
469. Olga Louchakova-Schwartz
470. Josh Cohen
471. Mara and Richard Carman
472. Timothy Nelson
473. Janis Pearson
474. Jeffrey Wescott
475. Ariella Granett
476. Jane Scantlebury
477. Andrea Altschuler
478. Duncan MacRae
479. Gloria Schild
480. Trudy Obi
481. Jeff
482. Sara Kershner
483. Nancy Steele
484. Mary Dorst
485. Vicki Sommer
486. Edward Opton
487. Jeanne Miller
488. Eileen Hughes
489. Dmitriy Shirchenko
490. Friends of Adeline
491. Chuck Siegel
492. Jason Pinost
493. Pamela Webste
494. James Angus
495. Jan Stock
496. Alan Baer
497. Sophia DeWitt
498. Thomas Lord
499. Julie Tell
500. Frances Cave
501. Rebecca Goodin
502. Zack Subin
503. Rory Aptekar
504. Gamma Zon
505. Sarah Boudreau
506. Negeene Mosaed
507. Adam Rogers
508. Raul Maldonado
509. Chris Gilbert
510. Ranjit Bharvirkar
511. S. Entwistle
512. Kathleen Curran
513. Fernando Olmedo

- 514. Liz Lisle
- 515. Tony Warwick
- 516. Mary Lawrence Hicks
- 517. Thomas Luce
- 518. Sarah Bell
- 519. Dan Kammen
- 520. Audre Newman
- 521. Deborah Kropp
- 522. Chimey Lee (2)

Supplemental Communications and Reports 3

- 523. Presentation, submitted by the Planning and Development
- 524. Revised material, submitted by Planning and Development
- 525. Revised material, submitted by Mayor Arreguin
- 526. Revised material (1), submitted by Councilmember Hahn
- 527. Revised material (2), submitted by Councilmember Hahn
- 528. Claire Broome
- 529. Thea Bellos
- 530. Robert Gable
- 531. Eric-Michael Wilson II
- 532. Dina Roumiantseva
- 533. Lizabeth Klein
- 534. Theo Gordon
- 535. Kelly Burkett
- 536. Liza Lutzker
- 537. Ned Resnikoff
- 538. Christa Burgoyne
- 539. Michael Scott
- 540. Phyllis Kamrin
- 541. Christopher Kroll
- 542. Tanja Schlosser
- 543. Gary Glickman
- 544. Dale Smith
- 545. Dan Gluesenkamp
- 546. Marjorie Winter
- 547. Leslie Valas
- 548. Craig Koester
- 549. Lynda Caesara
- 550. Kristin Leimkuhler
- 551. Charlene Woodcock
- 552. Vincent Casalaina
- 553. Nikki Sachs
- 554. Bianca Walser
- 555. Barney Greinke
- 556. Jennifer Wright
- 557. Olalere Williams
- 558. Pamela Smith

559. Pallop Wilairat
560. Vicki Sommer
561. Elisabeth Lamoureaux
562. Mary Wrenn
563. Karen Street
564. David Landon
565. John Givens
566. Bob Baldwin
567. Russel Bates
568. Jennie McDonald
569. Koji Fujioka
570. Geoffrey Holton
571. Catherine Rice
572. Paul Robins
573. Alex Stec
574. Elizabeth Ditmars
575. Katharine Bierce
576. Alexandra Yurkovsky
577. Nancy Kates
578. Susan Rawlins (2)
579. Marcia DuBois
580. Maggie Parks
581. Art Goldberg
582. Claire Fitzgerald
583. Andrea Voinot
584. Joanna Picciotto
585. Becca Schonberg
586. Christine and David Goldin
587. Sue Jones
588. Jack Sawyer
589. Clifford Fred
590. Jeanne Clinton
591. Karen Fiene
592. Noel and Penny Nellis
593. E. Anne Griffiths
594. Jonathan Singh
595. Susan Johnson
596. Chris Hamilton
597. Alicia Klein
598. Steve Akana
599. Melissa Pauna
600. Nayer and Gary Gatterman
601. Kathleen and Russell Lopes
602. Adriana Valencia
603. Jon Wehry
604. Belinda Lyons-Newman
605. Genesee Herzberg
606. Jennifer Millar
607. Lauren Carroll

- 608. Xanthippe Phillips
- 609. Rachel Gold
- 610. Lisa Camasi
- 611. Garret Dellwo
- 612. Vika Teicher
- 613. Julia Zuckerman
- 614. Sophie Green
- 615. Gabriela de la Rosa
- 616. Russ Greene
- 617. Stephen Dalton
- 618. Leslie Valas
- 619. Margaret Tormey
- 620. Cora Johnson-Grau
- 621. Ross Bernet
- 622. Mary Lai
- 623. Michael Several
- 624. Susan Palo
- 625. Nelly Coplan
- 626. Donna Evans
- 627. Michael Hyatt
- 628. Rainbow Rubin
- 629. Jane Scherr
- 630. Melissa Riley
- 631. Michael Caplan
- 632. Isabelle Gaston and Steve Robey
- 633. David Coy
- 634. Joseph Feldman
- 635. Andrea Horbinski
- 636. Chimey Lee
- 637. Hannah Bruegmann
- 638. Naor Deleanu
- 639. Ellen Kramer
- 640. Micahel Goldberg
- 641. Elizabeth Davids
- 642. Ben Gould
- 643. Maria Sakovich
- 644. Meryl Siegal
- 645. Marilyn Simons
- 646. Sarah Jones
- 647. Fred Krieger
- 648. Sabina McMurtry
- 649. Harald Leventhal
- 650. Daniel Keller
- 651. Ariel Zucker
- 652. Johanna Eigen
- 653. Lily Bernheime
- 654. Leslie Retallick
- 655. Robert Abiad
- 656. Naomi Janowitz

- 657. Lori Hines
- 658. Preston Mui
- 659. Sean Gibson
- 660. Fiona Baker
- 661. Vicki Sommer
- 662. Alisa Foster
- 663. Adam Berman
- 664. Tamara Crane
- 665. Michael O'Heaney
- 666. Joaquin Carbonell
- 667. Scott McGlashan
- 668. Tony Wilkinson
- 669. Donna Mickleson
- 670. Linda Franklin
- 671. Mark Rhoades (2)
- 672. Ellen Hahn
- 673. Neal Donnelly
- 674. Colin DuRant
- 675. Jeffrey Carter
- 676. Barbara Rydlander
- 677. Enid Camps
- 678. Dan Newman
- 679. Aileen Paterson
- 680. Irene Chan
- 681. George Porter
- 682. Deena Aranoff
- 683. Kelley Kahn
- 684. Fran Segal
- 685. Tony Chapelle
- 686. Erik Wiener
- 687. David Cobb
- 688. Moni Law
- 689. Margot Smith
- 690. Adam Weisberg
- 691. Teresa Clarke
- 692. Paul Lee
- 693. Councilmember Harrison
- 694. Mark Mueller
- 695. Julieta Pisani McCarthy
- 696. Basak Altan
- 697. Margot Smith
- 698. Theo Posselt
- 699. Andrea Altschuler
- 700. March Schirmer
- 701. Desmid Lyon
- 702. David Lerman
- 703. Mary Louise Zernicke
- 704. Dawn Thomas
- 705. Charlene Woodcock

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING**

MONDAY, JUNE 13, 2022

4:30 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/88324327577>. 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 2432 7577. 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: 4:30 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 4:40 p.m.

Public Comment - Limited to items on this agenda only - None

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. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

Action: M/S/C (Arreguin/Hahn) to authorized the City Attorney to file an appeal of the order fixing the bond amount in Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. California Case No. RG18930003.

Vote: All Ayes.

OPEN SESSION:

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

Adjournment

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

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

Adjourned at 7:22 p.m.

Councilmember Harrison absent at 7:10 p.m.

Councilmember Bartlett absent at 7:15 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 13, 2022 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 14, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Live 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/83933192334>. 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: **839 3319 2334**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 6:01 p.m.

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

Absent: Kesarwani, Taplin, Arreguin

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Taplin present at 6:10 p.m.

Mayor Arreguin present at 6:18 p.m.

Report from Closed Session

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

Ceremonial Matters:

1. Presentation: Alameda County Affordable Housing Portal
2. Adjourned in Memory of James "JT" Street, City of Berkeley Public Works Department Employee
3. Recognition of Juneteenth Holiday on June 19, 2022
4. Recognition of Elder Abuse Awareness Month

City Manager Comments:

1. The City Manager provided an update on the recruitments for the positions of Director of Police Accountability and Chief of Police.
2. The City Manager provided an update regarding the City's Sanctuary Contracting Ordinance.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

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

Vote: All Ayes.

Consent Calendar

- 1. Ordinance authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,813-N.S. amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRAs members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,813–N.S.
- 2. Commission Reorganization: Amendments to Berkeley Municipal Code Section 7.52.190 (Homeless Services Panel of Experts)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,814-N.S. 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.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,814–N.S.
- 3. Placing a Measure on the November 8, 2022 Ballot Related to Housing for Persons of Low-Income**
From: City Manager
Recommendation:
1. Adopt a Resolution submitting a measure related to housing for persons of low-income to a vote of the electors at the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 1. Adopted Resolution No. 70,403–N.S. 2. Designated Mayor Arreguin, Councilmember Harrison, and Councilmember Hahn to file ballot measure arguments on this measure on behalf of the Council.

Consent Calendar

- 4. Donation to the Animal Shelter from the U.C. Davis Koret Shelter Medicine Program**
From: City Manager
Recommendation: Adopt a Resolution accepting a grant from the U.C. Davis Koret Shelter Medicine Program to Animal Care Services in the sum of \$5,000.
Financial Implications: Animal Services Donation Fund - \$5,000 (Donation)
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,404–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 14, 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 - \$270,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 6. Temporary Appropriations FY 2023**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2022, until the effective date of the FY 2023 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,405–N.S.
- 7. FY 2023 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0075%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,816–N.S. Second reading scheduled for June 28, 2022.

Consent Calendar

- 8. FY 2023 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0058%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,817–N.S. Second reading scheduled for June 28, 2022.
- 9. FY 2023 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,818–N.S. Second reading scheduled for June 28, 2022.
- 10. FY 2023 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0200%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,819–N.S. Second reading scheduled for June 28, 2022.
- 11. FY 2023 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for Business License Tax on large non-profits at \$0.7573 (75.73 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,820–N.S. Second reading scheduled for June 28, 2022.

Consent Calendar

- 12. FY 2023 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0433 (4.33 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,821–N.S. Second reading scheduled for June 28, 2022.
- 13. FY 2023 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1126 (11.26 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopt first reading of Ordinance No. 7,822–N.S. Second reading scheduled for June 28, 2022.
- 14. FY 2023 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2039 (20.39 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,823–N.S. Second reading scheduled for June 28, 2022.
- 15. FY 2023 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,824–N.S. Second reading scheduled for June 28, 2022.

Consent Calendar

- 16. FY 2023 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding the provision of emergency services for the disabled at \$0.01932 (1.932 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,825–N.S. Second reading scheduled for June 28, 2022.
- 17. FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2023 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopt first reading of Ordinance No. 7,826–N.S. Second reading scheduled for June 28, 2022.
- 18. FY 2023 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an ordinance setting the FY 2023 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2583 (25.83 cents) per square foot for dwelling units and \$0.3906 (39.06 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
Action: Adopt first reading of Ordinance No. 7,827–N.S. Second reading scheduled for June 28, 2022.
- 19. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an emergency, and rescinding Resolution No. 69,919-N.S.
Financial Implications: None
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,406–N.S.

Consent Calendar

- 20. St. Paul Terrace Housing Trust Fund Reservation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving \$8,551,040 in Housing Trust Funds for Community Housing Development Corporation's St. Paul Terrace (2024 Ashby) affordable housing development, conditioned on the project obtaining planning entitlements within 24 months; and 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,407–N.S.
- 21. Classification and Salary: Senior Economic Development Project Coordinator**
From: City Manager
Recommendation: Adopt a Resolution establishing the Senior Economic Development Coordinator classification (Local 1) with a monthly stepped salary range of \$11,219.88 to \$13,775.00 effective June 15, 2022.
Financial Implications: None
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,408–N.S.
- 22. Contract No. 8392 Amendment: Innovative Claim Solutions (ICS) for claims administration of the City's Workers' Compensation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to extend Contract No. 8392 with Innovative Claims Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), for an additional amount of \$598,560 for July 1, 2022 through June 30, 2023.
Financial Implications: Workers' Compensation Self-Insurance Fund - \$598,560
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,409–N.S.
- 23. Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with Axon Enterprise, Incorporated to provide body worn cameras, equipment, software, and services for an amount not to exceed \$1,115,000 over the next five years through Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Action Calendar. M/S/C (Arreguin/Harrison) to continue Item 23 and Item 32 to a special meeting at 4:00 p.m. on June 21, 2022.
Vote: All Ayes.

Consent Calendar

- 24. Commission Reorganization: Creating the Transportation and Infrastructure Commission**
From: City Manager
Recommendation: Adopt a Resolution: rescinding Resolution No. 55,751-N.S. which created the Transportation Commission, rescinding Resolution No. 55,750-N.S. which created the Public Works Commission, and establishing the Transportation and Infrastructure Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,410–N.S. as revised in Supplemental Communications Packet #2 from the Public Works Department to revise the formation date of the new Transportation and Infrastructure Commission.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison, Abstain – Hahn; Absent – None.
- 25. Final Map of Tract 8621: 1169-1173 Hearst Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8621, a five (5) unit residential condominium project consisting of a single-family dwelling unit and two duplexes at 1169-1173 Hearst Avenue.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,411–N.S.
- 26. Call for Immediate Ukraine Ceasefire**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution Urging a Ceasefire between Ukraine and Russia.
Financial Implications: Staff time
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Adopted Resolution No. 70,412–N.S.

Consent Calendar

27. **Recommendation that the City Council revise Resolution No. 69,917 regarding procurement, sales and service of sugar-sweetened beverages.**

From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Adopt a Resolution to amend Resolution No. 69,917 in response to the request of the City Council on June 1st, 2021, in Action Item #18A, the Sugar Sweetened Beverage Product Panel of Experts (SSBPPE) has considered “how to regulate sugar sweetened beverages at events held on City of Berkeley Property hosted by non-City entities who receive City of Berkeley funds.” The Commission recommends that the Berkeley City Council revise the requirement for events that receive City of Berkeley funding to mandate that these events also comply with the intent of Resolution No. 69,917.

The City Council has the opportunity to make the Resolution more impactful by banning the sale and service of sugary drinks at City sponsored events. This will be a powerful message to community residents and visitors who attend events such as the Book Festival, Kite Festival, Juneteenth festival and Chocolate and Chalk Art Festival to name a few.

Financial Implications: See report

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 70,413–N.S. revised to include language that City staff will prepare and provide language for posting at the events educating the public about why sugar-sweetened beverages are not being served or sold.

Council Consent Items

28. Restoring and Improving Access to City of Berkeley Website and Archival Materials

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

Recommendation:

Direct the City Manager to:

1. Restore at previous URLs all PDF documents previously hosted on the City of Berkeley website.
2. Create a publicly accessible archival copy of the City's previous website, CityofBerkeley.info, that can be accessed without logins and via internet search engines. Include a prominent disclaimer noting the date the website, page, or document was archived, with links redirecting to the active website or other responsive resource.
3. On the new website, update Commission pages to include a minimum of 2 years of historic agendas and other materials and update City Council and Council Committee pages to include at least 3 years of complete materials.
4. By July 15, 2022 develop and make available to all City staff and to the public training at beginner to expert levels on use of the City's Records Online search function and create more extensive and less technical self-help resources covering basic and expert use.
5. In recognition of increased public traffic, update the Records Online homepage to explain how the portal works and link to more robust self-help resources and alternative search functions.
6. Coordinate with agency staff to include all relevant records (agendas, minutes, etc.) from Rent Board and Housing Authority in Records Online Portal.
7. Update any remaining 404 pages to explain that the City's website has been moved/updated, and provide links to helpful pages, search functions and/or pathways to access responsive materials. As quickly as possible, consider implementing redirects with wildcards to direct as many old links to relevant new website pages in lieu of the standard 404 page. E.g. cityofberkeley.info/planning* to the Planning Department site map/homepage, or Department Specific 404 page explaining new navigation.

Refer to the City Manager the following additional improvements to Records Online:

1. Within Records Online, provide unique archival/search categories for each City Commission, Board, Committee and Rent Board, and consider other useful categories, to assist users in narrowing results and identifying responsive materials.
2. Allow Records Online search results to be sorted by date and by other searchable factors. Consider means to integrate records online into default site search bar.
3. Explore and report back to Council options for improving the scope of Records Online, improving search options and sorting, and making all materials – or materials from January 1, 2000 (or an earlier recommended date) forward, searchable using internet search engines.

Financial Implications: Staff time

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

Action: Item 28 continued to July 12, 2022.

Council Consent Items

29. **Support for SB 1389: Low-Level Vehicle Infractions**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Send a letter to Senator Steven Bradford, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 1389, which would prohibit peace officers from initiating traffic stops for certain low-level infractions unless there is a separate, independent basis to initiate the stop.
Financial Implications: Staff time
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmembers Bartlett and Hahn added as co-sponsors. Approved recommendation.

Action Calendar – Public Hearings

30. **FY 2023 and FY 2024 Proposed Budget Public Hearing #2**
From: City Manager
Recommendation: Conduct Public Hearing #2 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
- Public Testimony:** The Mayor opened the public hearing. 21 speakers.
M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None, Abstain – None; Absent – Kesarwani.

Councilmember Kesarwani absent 8:30 p.m. – 8:42 p.m.

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

Recess 8:32 p.m. – 8:42 p.m.

Action Calendar – Old Business

31. **City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program** (*Continued from May 31, 2022.*) (*Item contains supplemental material.*)
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: Item 30 and Item 31 taken up together. Received supplemental material in Supplemental Communications Packet #1 from the City Manager. See action for Item 30.

Action Calendar – Old Business

32. **Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report** (*Continued from May 10, 2022*)
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: M/S/C (Arreguin/Harrison) to continue Item 23 and Item 32 (including the supplemental material in Supplemental Communications Packet #2 from the Police Accountability Board and the supplemental material in Supplemental Communications Packet #1 from the Police Department) to a special meeting at 4:00 p.m. on June 21, 2022.
Vote: All Ayes.

Action Calendar – New Business

33. **Parking Enforcement of Existing Parking Code in Fire Zones 2 & 3** (*Reviewed by the Public Safety Policy Committee*)
From: Disaster and Fire Safety Commission
Recommendation: The Disaster and Fire Safety Commission (DFSC) recommends that Council direct the Berkeley Police Department to enforce existing Berkeley Municipal Code in all Fire Zones.
Policy Committee Recommendation: Forward the item to the City Council with a qualified positive recommendation amending the item to a budget referral for the FY 23 & FY 24 budget process to hire an additional dedicated parking officer for fire zones 2 & 3.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Moved to Consent Calendar. Approved the recommendation of the Public Safety Committee.

Council Action Items

34. Refer to the City Attorney and City Manager an Empty Homes Tax Ordinance for the November 8, 2022 Ballot

From: Councilmember Harrison (Author)

Recommendation: Refer to the City Attorney and City Manager to prepare and submit a resolution submitting an Ordinance adding Chapter 7.54 to the Berkeley Municipal Code taxing housing units that 1) have remained vacant for more than six months, 2) are not under permitted renovation and 3) are in multi-unit buildings or are single family homes or condominiums whose owners are not natural persons or family trusts to a vote of the electors at the November 8, 2022 General Municipal Election.

Financial Implications: See report

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

Action: 18 speakers. Councilmember Robinson added as a co-sponsor.

M/S/Failed (Wengraf/Kesarwani) to refer Item 34 including the revised material in Supplemental Communications Packet #2 and Supplemental Communications Packet #1 to the Land Use, Housing, & Economic Development Committee.

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

M/S/Carried (Hahn/Harrison) to refer the item (including the revised material in Supplemental Communications Packet #2 and Supplemental Communications Packet #1) to the City Attorney and City Manager to prepare and submit a resolution submitting an Ordinance adding Chapter 7.54 to the Berkeley Municipal Code taxing housing units that 1) have remained vacant for more than six months, 2) are not under permitted renovation and 3) are in multi-unit buildings or are single family homes or condominiums whose owners are not natural persons or family trusts to a vote of the electors at the November 8, 2022 General Municipal Election. Factors to be considered during review include exemptions, the size trigger, and how the ordinance would be administered.

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

Council Action Items

- 35. Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings (Reviewed by the Budget & Finance Committee)
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**

Recommendation:

1. Adopt a Resolution establishing: a. a referral to Office of Energy and Sustainable Development (OESD) staff to design and launch a two-year Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program, using pre-qualified contractors meeting minimum labor standards to assist new property owners, renters and existing property owners with transition to zero-carbon plumbing, HVAC, cooking, and related electrical systems, with a preference first for assisting existing affordable housing buildings and assisting households at or below 120% of the Area Median Income; and b. an annual process for the Energy (or successor) Commission and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with community and labor groups, to provide input to staff and Council about eligible categories of fund expenditures to maximize equitable emissions reductions and impacts for eligible households while leaving the mechanisms for doing so to staff discretion.

2. Send copies of the Resolution and letters to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks conveying urgent support for a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for affected workers, including gas utility and extraction workers.

Policy Committee Recommendation: to send the item to Council with a qualified positive recommendation including the following amendments: Recommendation 2. That part of the recommended funding source is American Rescue Plan dollars and; Recommendation 1a. Modifying the end of the last sentence to “with a preference first for affordable housing projects and assisting households at or below 120% the area median income.”

Financial Implications: See report

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

Action: Moved to the Consent Calendar. Adopted Resolution No. 70,414–N.S. as recommended by the Budget & Finance Committee.

Information Reports

- 36. City Council Short Term Referral Process – Quarterly Update
From: City Manager**
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.

Information Reports

37. **Results of General Obligation Bonds: \$40,000,000 City of Berkeley 2022 General Obligations Bonds, Series B (2018 Election Measure O: Affordable Housing) (Federally Taxable)**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
38. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.
39. **City Auditor's Office 2021 Peer Review Results**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Received and filed.

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

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on June 14, 2022.

Rose Thomsen, Deputy City Clerk

Communications

Item 17: FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

1. Jose Luis Bedolla, Chair, Disaster and Fire Safety Commission

Berkeley Marina Area Specific Plan (BMASP)/Chavez Park

2. Deborah Scott
3. phcanin@
4. Mike Vanderman
5. Steve Masover
6. Pat Phillips
7. Alexis Milea
8. Sierra Club East Bay Public Lands Committee
9. Beverley Spencer

10. Katherine Ogburn
11. Sasha Futran
12. Margo Lesl
13. Carlos Hill
14. Nancy Hormachea
15. Irene Jung-Huang

Public Safety

16. Ann Einstein
17. Lorraine Mahley
18. Margo Smtih
19. Barbara Atwell
20. Pamela Drake
21. Councilmember Bartlett
22. Andrea Prichett
23. Robin Kibby

Hopkins Corridor Plan

24. Robion Kirby
25. Sondra Jensen
26. Margot Smith
27. Jeanne Schuman
28. Zelda
29. Marilyn Margulius
30. Zelda Bronstein
31. Sheridan Pauker
32. Dahlia Armon

Vaccination for Pool Use

33. Donna Mickleson (4)
34. Chuck Herndon (2)
35. Paul Preston
36. Lynn Jones Finn

SB 1338 – CARE Court Program

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

Homelessness Reporting

38. Natalie Hanson (4)
39. Councilmember Harrison

Affordable Housing

40. Gramma Grass
41. Barry Fike

1201-1205 San Pablo

42. Margaret

COVID + Masks

43. George Torgun

Landlord Issues

44. Nancy Joachim

45. Karen Oberdorfer

Fire Safety in the Berkeley Hills

46. Marissa Moss

Berkeley Unified School District

47. Cielo Rios

48. Mara Kolesas

Train Horns

49. Lauren Parson

City of Berkeley Website

50. Thomas Lord

Environment and Climate Commission

51. Sam Kaplan-Pettus

Sanctuary Contracting Ordinance

52. Elana Auerbach

35th Annual Juneteenth Festival

53. Delores Nochi Cooper

Israel Visit

54. Henry Norr

55. Glen Hauer

56. Max Ventura

57. Jeff Pekrul

58. Melanie Lawrence and John Smail

59. Rafael Gonzalez

60. Martha Larsen

61. Bonnie Weiss

62. Mary Prophet

63. Jay Rosenthal

64. Judy Grether

65. Anna T.

66. Izumi Van Cleave

- 67. Patricia Hartnett
- 68. Tori Porell
- 69. Charles Wollenberg
- 70. Carol Sanders
- 71. Hani Kaileh
- 72. Esther Lerman
- 73. Is Sullivan
- 74. Dorothea Dorenz
- 75. Karen Carroll
- 76. Andrew Paul Gutierrez
- 77. Dave Joki
- 78. Nora Roman
- 79. Daniel Zwickel ben Avram
- 80. Sara Sunstein
- 81. Eleanor Levine
- 82. Bobbi Sloan
- 83. Vivian Zelaya
- 84. P.Rainey

People's Park

- 85. Joe Liesner
- 86. Max Ventura

Police Accountability Board

- 87. James McFadden
- 88. Diana Bohn
- 89. Andrea Prtichett

7-11 Alcohol License for 7-11 at University and San Pablo

- 90. Chris Horgan and Elena Prakoura

Cosco Busan Oil Spill of 2017

- 91. California State Department of Fish and Wildlife

Mayors for Peace

- 92. Jackie Cabasso

Mental Health for Berkeley Students

- 93. Hector Malvido

Bicycle and Rolling Tour

- 94. Aimee Baldwin

No Final Comments at May 24 Council Meeting

- 95. Blair Beekman

Increasing Property Taxes

96. Paul Mathew

Supplemental Communications and Reports 1

Item #23: Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software

97. Elana Auerbach

Item #30: FY 2023 and FY 2024 Proposed Budget Public Hearing #2

98. 18 similarly-worded form letters

99. Maulin Chokshi

100. Kate Greswold

101. Eric Friedman

Item #31: City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program

102. Supplemental material, submitted by the City Manager

Item #32: Police Equipment and Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

103. Supplemental material, submitted by the Police Department

Item #34: Refer to the City Attorney and City Manager an Empty Homes Tax Ordinance for the November 8, 2022 Ballot

104. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #23: Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software

105. Phoebe Thomas Sorgen

106. Elana Auerbach

107. Lisa Ferguson

108. Laura X

109. Summer Brenner

110. Mary Prophet

Item #24: Commission Reorganization: Creating the Transportation and Infrastructure Commission

111. Revised material, submitted by Public Works

Item #27: Recommendation that the City Council revise Resolution No. 69,917 regarding procurement, sales and service of sugar-sweetened beverages

112. Holly Scheider

Item #30: FY 2023 and FY 2024 Proposed Budget Public Hearing #2

113. Susan Springborg

114. Greg Martin

115. Denah Bookstein

- 116. George Lippman
- 117. John Rice
- 118. Diana Bohn

Item #32: Police Equipment and Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

- 119. Supplemental material, submitted by the Police Accountability Board

Item #34: Refer to the City Attorney and City Manager an Empty Homes Tax Ordinance for the November 8, 2022 Ballot

- 120. Revised material, submitted by Councilmember Harrison
- 121. Max Ventura
- 122. Moni Law
- 123. Sylvia

Supplemental Communications and Reports 3

Ceremonial Matter: Presentation: Alameda County Affordable Housing Portal

- 124. Presentation, submitted by the County of Alameda

Item #23: Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software

- 125. Diana Bohn

Item #30: FY 2023 and FY 2024 Proposed Budget Public Hearing #2

- 126. Presentation, submitted by the City Manager's Office
- 127. Zoe Lake
- 128. Timothy Carter
- 129. Berkeley Progressive Alliance
- 130. Diana Bohn

Item #34: Refer to the City Attorney and City Manager an Empty Homes Tax Ordinance for the November 8, 2022 Ballot

- 131. Berkeley Progressive Alliance
- 132. Max Ventura
- 133. Michael Brodheim
- 134. Lisa Camasi
- 135. Leslie Firestone
- 136. Alan Kiviat
- 137. Marcia Poole
- 138. Igor Tregub
- 139. Nicky Gonzalez Yuen
- 140. Mary Oram
- 141. Julia Cato
- 142. Theo Posselt
- 143. Councilmember Harrison
- 144. Moni Law

Item #35: Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

- 145. Igor Tregub, on behalf of the Sierra Club
- 146. Marjorie Alvord

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

**Tuesday, June 21, 2022
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81179114559>. 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: 811 7911 4559. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 4:01 p.m.

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

Absent: Bartlett, Harrison

Councilmember Bartlett present at 4:12 p.m.

Councilmember Harrison present at 4:17 p.m.

Action Calendar – Old Business

1. **Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software** (*Continued from June 14, 2022*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with Axon Enterprise, Incorporated to provide body worn cameras, equipment, software, and services for an amount not to exceed \$1,115,000 over the next five years through Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: 6 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,415–N.S.
Vote: All Ayes.

2. **Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report** (*Continued from June 14, 2022*) (*Item contains supplemental material*)
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: 8 speakers. M/S/C (Arreguin/Hahn) to adopt the recommendation in the revised material from Councilmember Harrison in Supplemental Communications Packet #2 and further revised as follows:
 1. Adopt Resolution No. 70,416–N.S. approving the revised Controlled Equipment Impact Statements and Policy 303 (Control Devices and Techniques) from Supplemental Communications Packet #2, conforming to local and state law.
 2. Refer the Annual Equipment Use Report to the Police Accountability Board for review and recommendation within 60 days following City Council approval of the remaining use policies.
 3. Refer all other internal policies relevant to controlled equipment to the Police Accountability Board and Berkeley Police Department to review and conform to the approved Controlled Equipment Impact Statements, and local/state laws for City Council consideration by July 26, 2022.**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Wengraf, Droste; Absent – None.

Adjournment

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

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

Councilmember Harrison absent at 6:01 p.m.

Adjourned at 6:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on June 21, 2022.

Rose Thomsen, Deputy City Clerk

Communications

Item #2: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

1. Berkeley Friends Meeting
2. Police Accountability Board

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

3. Revised material, submitted by Councilmember Harrison
4. Kitt Saginor

Supplemental Communications and Reports 3

Item #1: Contract: Axon Enterprise, Incorporated for Body Worn Cameras, Storage and Software

5. Diana Bohn
6. Elana Auerbach
7. Cheryl Davila

Item #2: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

8. Phoebe Anne Sorgen

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

**Tuesday, June 21, 2022
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Live 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/81179114559>. 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: 811 7911 4559. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call: 6:15 p.m.

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

Absent: Harrison, Droste

Councilmember Droste present at 6:16 p.m.

Councilmember Harrison present at 6:17 p.m.

Action Calendar – New Business

1. 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 and provide input and direction to the City Manager and City Attorney on measure(s) to place on the November 8, 2022 ballot, and the Vision 2050 Program Plan.

Financial Implications: See report

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

Action: 12 speakers. Presentation made and discussion held. The City Council provided input on measure(s) to place on the November 8, 2022 ballot, and the Vision 2050 Program Plan, including the following points for consideration by the City Manager and City Attorney:

- Desire to further consider a general obligation bond measure and a parcel tax measure for placement on the November 8, 2022 ballot.
- Apply the parcel tax to commercial parking structures.
- Provide options to potentially include a split roll tax.
- Provide additional detail for how funding for how street/bicycle/pedestrian/paving improvements will be spent.
- Consider a policy to set aside a minimum funding allocation to maintain street paving.
- Provide additional detail regarding public infrastructure improvements.
- Provide additional metrics for potential uses of funding, such as miles of streets paved, PCI rating achieved, and number of affordable housing units possible.
- Provide options for the amount per square foot for the parcel tax.

No action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 8:59 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on June 21, 2022.

Rose Thomsen, Deputy City Clerk

Communications

Item #1: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

1. Parks, Recreation and Waterfront Commission

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

2. Gordon Wozniak

Supplemental Communications and Reports 3

Item #1: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

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

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING**

MONDAY, JUNE 27, 2022

4:30 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/83638169990>. 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: 836 3816 9990. 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: 4:30 p.m.

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

Absent: Droste, Kesarwani

Councilmember Kesarwani present at 4:34 p.m.

Public Comment - Limited to items on this agenda only - None

CLOSED SESSION:

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

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

- a. *Franklin v. City of Berkeley*, United States District Court – Northern District of California, Case No. 3:20-cv-04090-LB

Action: M/S/C (Wengraf/Taplin) to approve the settlement of the lawsuit of Franklin v. City of Berkeley, et al., USDC No. 3:20-cv-0904, for \$65,000.

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

- b. *Deal v. City of Berkeley*, Alameda County Superior Court Case No. RG21110607

Action: No reportable action taken.

- c. *Emery v. City of Berkeley*, Alameda County Superior Court Case No. RG19047377

Action: M/S/C (Arreguin/Harrison) to approve the settlement of the lawsuit of Emery v. City of Berkeley, Alameda County Superior Court Case No. RG19047377 for \$50,000.

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

- d. *Druschel et al. v. City of Berkeley, Graham Chrisholm*, Alameda County Superior Court Case No. Case No. RG20073792

Action: M/S/C (Hahn/Wengraf) to approve the settlement of the lawsuit of Druschel et al. v. City of Berkeley, Graham Chrisholm, Alameda County Superior Court Case No. Case No. RG20073792 for \$30,000.

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

- e. *Dominguez, et al. v. City of Berkeley, et al.*, United States District Court – Northern District of California Case No. 3:21-cv-08599-SI

Action: M/S/C (Arreguin/Robinson) to approve the settlement of the lawsuit of *Dominguez, et al. v. City of Berkeley, et al.*, United States District Court – Northern District of California Case No. 3:21-cv-08599.

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

- f. *Secure Justice v. City of Berkeley*, Alameda County Superior Court Case No. 21CV003630

Action: No reportable action taken.

Councilmember Wengraf absent 7:15 p.m. – 7:31 p.m.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

The City Council met in closed session and authorized the City Attorney to settle the following lawsuits:

- Franklin v. City of Berkeley, et al., USDC No. 3:20-cv-04090, for \$65,000.
- Emery v. City of Berkeley, Alameda County Superior Court Case No. RG19047377 for \$50,000.
- Druschel et al. v. City of Berkeley, Graham Chrisholm, Alameda County Superior Court Case No. Case No. RG20073792 for \$30,000.
- Dominguez, et al. v. City of Berkeley, et al., United States District Court – Northern District of California Case No. 3:21-cv-08599.

Adjournment

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

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

Adjourned at 7:31 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 27, 2022 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 28, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Live 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/82212647688>. 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: **822 1264 7688**. 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: 6:01 p.m.

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

Absent: Harrison

Councilmember Harrison present at 6:06 p.m.

Report from Closed Session

The City Council met in closed session on June 27, 2022 and authorized the City Attorney to settle the following lawsuits.

- Franklin v. City of Berkeley, et al., USDC No. 3:20-cv-04090, for \$65,000.
- Emery v. City of Berkeley, Alameda County Superior Court Case No. RG19047377 for \$50,000.
- Druschel et al. v. City of Berkeley, Graham Chrisholm, Alameda County Superior Court Case No. Case No. RG20073792 for \$30,000.
- Dominguez, et al. v. City of Berkeley, et al., United States District Court – Northern District of California Case No. 3:21-cv-08599.

The Council met in closed session on April 19, 2022 and authorized negotiating a settlement for up to \$60,000 in the case of Worthy v. City of Berkeley, United States District Court No. 3:20-cv-05558-EMC; the case is now settled for \$60,000.

Ceremonial Matters:

1. Adjourned in memory of Elijah Wallace, son of Kelly Wallace, former Deputy Director of the Department of Health, Housing, and Community Services for the City of Berkeley

City Manager Comments: None

Public Comment on Non-Agenda Matters: 3 speakers.

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Supporting Unionization Efforts by REI Workers.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Resolution Supporting Unionization Efforts by REI Workers
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a Resolution in support of workers at REI unionizing under representation by United Food and Commercial Workers (UFCW) Local 5.

Financial Implications: None

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

Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,417–N.S.

1. **Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,815-N.S. to amend the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,815-N.S.

2. **FY 2023 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,816-N.S. setting the FY 2023 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0075%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,816-N.S.

Consent Calendar

- 3. FY 2023 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,817-N.S. setting the FY 2023 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0058%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,817-N.S.
- 4. FY 2023 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,818-N.S. setting the FY 2023 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,818-N.S.
- 5. FY 2023 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,819-N.S. setting the FY 2023 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0200%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,819-N.S.
- 6. FY 2023 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,820-N.S. setting the FY 2023 tax rate for Business License Tax on large non-profits at \$0.7573 (75.73 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,820-N.S.

Consent Calendar

- 7. FY 2023 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,821-N.S. setting the FY 2023 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0433 (4.33 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,821-N.S.
- 8. FY 2023 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,822-N.S. setting the FY 2023 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1126 (11.26 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,822-N.S.
- 9. FY 2023 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,823-N.S. setting the FY 2023 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2039 (20.39 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,823-N.S.
- 10. FY 2023 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,824-N.S. setting the FY 2023 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,824-N.S.

Consent Calendar

- 11. FY 2023 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,825-N.S. setting the FY 2023 tax rate for funding the provision of emergency services for the disabled at \$0.01932 (1.932 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,825-N.S.
- 12. FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,826-N.S. setting the FY 2023 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,826-N.S.
- 13. FY 2023 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,827-N.S. setting the FY 2023 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2583 (25.83 cents) per square foot for dwelling units and \$0.3906 (39.06 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
Action: Adopted second reading of Ordinance No. 7,827-N.S.

Consent Calendar

14. 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, March 22, 2022, and May 10, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,418–N.S.

15. 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, May 10, 2022, and May 31, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,419–N.S.

16. Extension of Interim Director of Police Accountability Appointment

From: City Manager

Recommendation: Adopt a Resolution extending the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2022 at an annual salary of \$182,260.65.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,420–N.S.

Consent Calendar

17. Minutes for Approval

From: City Manager

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).

Financial Implications: None

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

Action: Approved the minutes as submitted.

18. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: \$4,856,000

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

Action: Approved recommendation.

19. FY 2023 Revision to the Investment Policy and Designation of Investment Authority

From: City Manager

Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2023.

Financial Implications: None

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

Action: Adopted Resolution No. 70,421–N.S.

20. Appropriations Limit for FY 2023

From: City Manager

Recommendation: Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,422–N.S.

Consent Calendar

- 21. Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from State of California to Conduct Health Promotion Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments to conduct health promotion for the Medi-Cal Administrative Activities (MAA) program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,423–N.S.
- 22. Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,424–N.S.
- 23. Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution 1) accepting the City of Berkeley Vision Zero Annual Report for 2021-2022; 2) affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; and 3) directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the “Safer Streets by Everyone: Enforcement” actions described in the Vision Zero Action Plan.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,425–N.S.
- 24. Purchase Order: PB Loader Corporation for Two Chipper Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 080521-PBL bid procedures and authorizing the City Manager to execute a purchase order for two chipper trucks with PB Loader Corporation in an increased amount not to exceed \$400,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,426–N.S.

Consent Calendar

- 25. Purchase Order: Sonsray Machinery for one CASE Tractor Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 03219-CNH bid procedures and authorizing the City Manager to execute a purchase order for one CASE Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.
Financial Implications: Equipment Replacement Fund - \$165,000.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,427–N.S.
- 26. Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term through December 31, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,428–N.S.
- 27. Contract: Sposeto Engineering Inc. for FY 2022 Sidewalk Repair Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the FY 2022 Sidewalk Repair Project; accepting the bid of Sposeto Engineering Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$2,512,152.
Financial Implications: Various Measures - \$2,512,152
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,429–N.S.
- 28. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$632,750, and extending the contract term through December 31, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,430–N.S.

Consent Calendar

- 29. Contract No. 10458 Amendment: Alta Planning and Design, Inc. for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,431–N.S.
- 30. Contract No. 10516 (ERMA Contract No. 114128-1) Amendment: Community Design and Architecture for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10516 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,432–N.S.
- 31. Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley increasing the contract amount by \$200,000 for a new not to exceed amount of \$650,000 and extend the contract term through June 30, 2024.
Financial Implications: Various Funds - \$135,500
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,433–N.S.
- 32. Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$150,000, for a new total not to exceed \$423,534, and extend the authorized term through June 30, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,434–N.S.

Consent Calendar

33. **Contract Amendment: East Bay Municipal Utilities District (EBMUD) for Sanitary Sewer Charge and Billing Collection**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the agreement (Contract 9735) with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers. Eligible customers under the CAP program will receive a 35% discount on their sewer charges.

Financial Implications: See Report

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

Action: Adopted Resolution No. 70,435–N.S.

34. **Recommendation to Use Measure FF Funds as Intended by Voters for Firefighting, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness; to Not Reduce General Fund Allocations Towards Fire Services; and to Support Effective Commission Oversight**

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) supports revenue generated by the voter-approved Fire, Emergency Services and Wildfire Prevention Tax (Measure FF) going towards services described in the Fire Department's 5-year implementation plan, including: Wildfire Prevention and Response, Training and Development, EMS Operations, and Dispatch. The Commission has reviewed and provided input on expenditure plans described by the Fire Department and is engaged in the process of providing input and oversight prior to the budget being finalized. As these projects advance and line-item budgets continue to be developed in more detail, the Commission expects to follow up with more specific recommendations on funding allocations.

In order to provide effective oversight of Measure FF spending as resolved by City Council, the Commission needs to have the tools and information necessary to do so. This includes: 1. Thorough and detailed information about spending plans, including detailed line items and staffing numbers, before budgets are finalized and locked in place (as of December 2021, the commission has not been provided a measure FF budget); and 2. An accounting system that will clearly designate spending from the fund, including job codes that are specific to Measure FF, so that the Commission can easily determine staff time spent on Measure FF-funded activities.

Additionally, in allocating funds towards these critical safety improvements, it is imperative that the City ensures that Measure FF funds are used to supplement, rather than replace, general funding of Berkeley Fire Department costs.

Financial Implications: See report

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

Action: Approved recommendation.

Consent Calendar

- 35. Appointment of Mary-Lee Smith and Glenn Turner to Mental Health Commission for the City of Berkeley**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: Mary-Lee Smith as a representative of the Special Public Interest Category (consumer), to complete her first 3- year term beginning June 29, 2022 and ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest Category (family member), to complete her first 3-year term beginning June 29, 2022 and ending June 28, 2025.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 70,436–N.S.

Council Consent Items

- 36. Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution to suspend Sister City relations with the cities of Dmitrov, Russia and Ulan-Ude until Russian hostilities against Ukraine come to an end.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,437–N.S.
- 37. Support for AB 2156 – Firearms: manufacturers**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Buffy Wicks and the state legislature in support of Assembly Bill 2156, which would prohibit the manufacture of unlicensed firearms and precursor parts, commonly known as “ghost guns.”
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 38. Support for AB-256 (Racial Justice Act for All)**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) and the state legislature in support of Assembly Bill 256, the Racial Justice Act for All, which would apply Kalra’s previous bill, AB 2542 (2020) retroactively to enable appeals of past convictions and sentences made with racial bias.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.

Council Consent Items

- 39. Parking Minima for Mixed-Use Projects and Manufacturing Districts**
From: Councilmember Taplin (Author)
Recommendation: Refer to the City Manager and Planning Commission to develop amendments to Berkeley Municipal Code Chapter 23 Section 322 and return an Ordinance to Council with such amendments to include the following:
(a) In BMC 23.322.030(B)(1), Table 23.322-2: remove “(residential use only)” from Mixed-Use Residential category; reduce “Live/Work” off-street parking requirements to, at most, 1 space per unit; reduce “Manufacturing” off-street parking requirements to, at most, 1 space per 1,500 gross square feet; reduce off-street parking requirements for “All non-residential uses except uses listed below” to, at most, 1 space per 1,000 square feet.
(b) In BMC 23.322.020(C)(2)(i): reduce district minimum parking requirements to 1 space per 1,000 square feet at most in Manufacturing Districts.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 40. Holding Social Media Companies Accountable for Impacts on Children: Supporting AB 2408 and AB 2273 (Wicks/Cunningham)**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Send a letter in support of AB 2408 “Child users: addiction” and AB 2273 “The California Age-Appropriate Design Code Act” (Wicks/Cunningham) to forward to appropriate colleagues, expressing the City of Berkeley’s support for these bills, which would allow parents to sue social media platforms if their children become addicted and require tech firms to create child-safe producing by creating age-appropriate design code for websites and apps likely to be accessed by children.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Action Calendar – Public Hearings

- 41. Approval and Levy of 2018 Clean Stormwater Fee in FY 2023**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Wengraf/Harrison) to adopt Resolution No. 70,438–N.S.
Vote: All Ayes.

Action Calendar – Public Hearings

42. Levy and Collection of Fiscal Year 2023 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in the Fiscal Year 2023.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,439–N.S. (District No. 1982-1) and Resolution No. 70,440–N.S. (District 2018).

Vote: All Ayes.

43. Transfer Station Rates for FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion adopt a City Council Resolution authorizing the City Manager to:

1. Approve the proposed Transfer Station rates, environmental compliance fee and special material handling charges to be effective August 1, 2022; and
2. Annually review the Transfer Station rates, environmental compliance fee, and special material handling charges, and increase them by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor, as needed; and
3. Rescind the rates and special handling fees approved by City Council Resolution No. 64,575-N.S., adopted July 14, 2009, and as amended by Resolution No. 64,712-N.S., adopted December 6, 2009.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Arreguin/Harrison) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,441–N.S. It was noted for the record that the following sentence on page 4 of the staff report is revised to read as follows:

In 20092014, the Transfer Station rates were revised and approved without allowance for annual adjustments to these rates to account for any inflation impacts on operational expenses.

Vote: All Ayes.

Action Calendar – New Business

44. FY 2023 & FY 2024 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2023 & FY 2024 Biennial Budget as contained in the City Manager's FY 2023 & FY 2024 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on June 14, 2022, and as amended by subsequent Council action.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2023, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

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

Action: 31 speakers. Supplemental material received from Mayor Arreguin in Supplemental Packet #2 deemed received.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental material from the City Manager and revised material from Mayor Arreguin on Item 44.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to include for consideration in the adoption of the FY 2023 and FY 2024 Biennial Budget, the line item to add an additional .5 FTE in the legislative assistant classification in each of the eight Council districts.

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

Action: M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,442–N.S. as revised in the supplemental materials received from the City Manager at the meeting, and reflecting the additional appropriations in the revised materials received from Mayor Arreguin at the meeting (including adjustments to the Measure P and Measure U-1 budgets), and further revised as follows:

- Modify the proposed expenditure for the line item entitled "Increase City Council Office Expenditure Accounts" to increase each City Council office expenditure account by \$54,769.50 for FY 2023 and FY 2024, and that the amount is based on .5 FTE in the legislative assistant classification.
- Modify the line item entitled "Dedicated Parking Enforcement in Fire Zones 2 & 3" to reflect that funding will come from the General Fund, and that an adjustment may be made in the future to cover the costs with Measure FF funds.
- Appropriate any remaining positive fund balance to the Section 115 Trust, and include the proposed balancing measures as submitted in the supplemental material received from the City Manager at the meeting.

Vote: All Ayes.

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

Action Calendar – New Business

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: All Ayes.

45. FY 2023 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$737,068,276 (gross appropriations) and \$620,623,866 (net appropriations).

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to accept revised material from the City Manager on Item 45.

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

Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,828-N.S. as revised in the material received at the meeting from the City Manager to adopt the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$754,176,624 (gross appropriations) and \$625,939,999 (net appropriations). Second reading scheduled for July 12, 2022.

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

Councilmember Harrison absent 11:32 p.m. – 11:37 p.m.

Councilmember Droste absent 11:32 p.m. – 11:37 p.m.

46. Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$28,000,000 and the sale and issuance of Fiscal Year 2022-23 Tax and Revenue Anticipation Notes.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,443–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

47. goBerkeley SmartSpace Pilot Program Implementation Recommendations From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

1. Adopt an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations (“pay-by-plate”) to improve convenience and enforcement; and

2. Adopt a Resolution approving the pilot proposals to be implemented and evaluated as part of the goBerkeley SmartSpace pilot program.

Financial Implications: See report

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

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

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

Vote: All Ayes.

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

1. Adopt first reading of Ordinance No. 7,829-N.S. Second reading scheduled for July 12, 2022.

2. Adopt Resolution No. 70,444–N.S.

Vote: All Ayes.

Recess 7:42 p.m. – 7:58 p.m.

Action Calendar – New Business

48a. Request for Timely Fiscal Information on Measures FF and GG

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully recommends that Council direct the Fire Department and City Manager provide the Commission with the following fiscal information regarding Measures GG and FF:

1. Base budget documentation for the 22/23 FY (current year) that was approved by Council;
2. Quarterly, preferably monthly, expenditure reports, including a brief narrative describing each line item, with initial reports starting by March 30, 2022, with a published calendar for reporting and
3. The proposed budgets submitted to Council’s Budget and Finance Policy Committee in April, each subsequent revision presented to Council, and the budget that is adopted at the end of the budget process.

The Commission takes seriously the role it has been given by the voters and the City Council to provide oversight and advice to the City Council about the use of Measure GG and FF funds. DFSC commissioners intend to carry out this role but must rely on information from the City Manager and the Fire Department to do so.

Financial Implications: See report

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

48b. Companion Report: Request for Timely Fiscal Information on Measures FF and GG

From: City Manager

Recommendation: The City Manager acknowledges the need to provide accurate, timely, and relevant information to the Disaster and Fire Safety Commission (DFSC). Fire Department Staff has committed to providing the DFSC line item budgets on Measures GG and FF funding plans prior to the budget process cycle as much as feasible. The DFSC can take this opportunity to discuss potential recommendations or issues with Staff with regards to the future spending of the funds. The Fire Department will continue to provide biennial reports on Measure FF as outlined by City Council in accordance to the Adopted Council Resolution No. 69,575–N.S.

Financial Implications: See report

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

Action: Item 48a and Item 48b moved to the Consent Calendar. Approved recommendation for Item 48a and approved recommendation for Item 48b.

Information Reports

49. Voluntary Time Off Program for Fiscal Year 2023

From: City Manager

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

Action: Received and filed.

Information Reports

50. **Annual Update on Wells Fargo Bank’s Community Involvement and Investment in the City of Berkeley**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
51. **FY 2022 Second Quarter Investment Report: Ended December 31, 2021**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
52. **FY 2022 Third Quarter Investment Report: Ended March 31, 2022**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
53. **HWCAC 2018-2023 Work Plan**
From: Human Welfare and Community Action Commission
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400
Action: Received and filed.
54. **Annual Report on LPC Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.
55. **Zero Waste Commission Fiscal Year 2022-23 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speakers.

Adjournment

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

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

Adjourned at 11:37 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on June 28, 2022.

Rose Thomsen, Deputy City Clerk

Communications

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

1. Janis Ching
2. Ann Campbell
3. Angie Schertle
4. Judith Baker

Item #38: Support for AB-256 (Racial Justice Act for All)

5. Micael Navarro Lopez
6. Jennifer Coffey
7. Sarah Bush
8. Lilia Goldenberg
9. Brian Hinch

Berkeley Marina Master Plan/Cesar Chavez Park

10. Stefani Berger
11. Ryan Turner
12. Erica Citret Roberts

Covid-19/Masks/Vaccinations/Public Health

13. Elsa, Ortiz, President, AC Transit Board of Directors
14. Anne-Lise Francois
15. Nina Lyons
16. Vivian Warkentin

Hopkins Corridor

17. Shirley Kirsten (2)
18. Lynn Winsten
19. Zelda (2)

Affordable Housing

20. David Lerman
21. Avram
22. Geoff Lomax

Fair Work Week

- 23. Rebeca Rozen, on behalf of the Hospital Council of Northern & Central California
- 24. Julie Sinai, on behalf of LifeLong Medical Care

Car Free Homes – 26-Story Building at University and Shattuck

- 25. Robin Kibby

Bird Safe Glass

- 26. Summer Brenner
- 27. Gael Alcock

Property Tax Explosion

- 28. Carol Corradi

People’s Park

- 29. Diana Bohn
- 30. Max Ventura

3219 King Street – Property Taxes Placed on Home

- 31. Gloria Carson

2420 Ashby Avenue – Medical Zoning

- 32. Christine Brozowski

Healthy Black Families Conference

- 33. Ayanna Davis, on behalf of Healthy Black Families, Inc.

City’s New Website

- 34. Mark Lowe

Berkeley Social Housing Pilot

- 35. Derek Sagehorn

African American Holistic Resource Center

- 36. Diana Bohn

Shattuck Cinemas

- 37. Charlene Woodcock

Rodeway Inn

- 38. Max Ventura

Juneteenth Festival

- 39. Delores Nochi Cooper

Thanks from Kala Art Institute

40. Ellen Lake, on behalf of Kala Art Institute

Removal of Child from Parents Recommended

41. Darwin Greenwell

Community College Constitutional Rights

42. Benjamin Stein

Smoking in a Multi-Unit Complex

43. Anne Marei

Hazards Created by Bicycle and Skateboard Users

44. Meryl Siegal

Huge Piles of Wood Chips

45. Max Ventura

Recurrent Roach Issues at 2020 Kittredge (a CalCHA Building)

46. Alex Merenkov

Tenants Opportunity to Purchase Act (TOPA)

47. Sam Frankel

48. Margaret Alducin

49. Yoni Mayeri

50. 8 similarly-worded form letters

Supplemental Communications and Reports 1

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

51. Michael Brodheim

52. Susan Kuchinskias

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

53. Ben Paulous

Supplemental Communications and Reports 2

Urgent Item: Resolution Supporting Unionization Efforts by REI Workers

54. Urgent item, submitted by Councilmember Taplin

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

55. Supplemental material, submitted by Mayor Arreguin

56. Justin Lee

57. Nicole Chabot

58. Vernon Theiss
59. Joshua Jacobs, on behalf of Homeless Services Panel of Experts
60. Carole Marasovic, Chair of the Homeless Services Panel of Experts Chair
61. Diana Bohn
62. Geoff Lomax
63. Kelly Hammargren
64. Bob Fabry and Susan Taylor
65. Nancy Rader
66. Julie Lebel
67. Hannah Meleokaiao Ayasse
68. Elissa Lee
69. 16 similarly-worded form letters

Supplemental Communications and Reports 3

Item #36: Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia

70. Igor Tregub

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

71. Supplemental material, submitted by the City Manager's Office
72. Supplemental material, submitted by Mayor Arreguin
73. Presentation, submitted by the City Manager's Office
74. Jim McGrath
75. John-Mario Arcilla Sevilla
76. Liz Ozol
77. Avilee Goodwin
78. Jochelle Perena
79. Cindy Chan
80. Nancy Ng
81. Phoenicia Pettyjohn
82. Andrea Mullarkey, on behalf of SEIU 1021
83. Angela Jernigan

Item #45: FY 2023 Annual Appropriations Ordinance

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

Action Calendar – Public Hearings

Item #47: goBerkeley SmartSpace Pilot Program Implementation Recommendations

85. Presentation, submitted by the Planning Department