



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, May 9, 2023

6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting 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.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1603158470>. 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 **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 315 8470**. 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 and applicable Executive Orders as issued by the Governor that are currently in effect. 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:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. **Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,860-N.S. amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

First Reading Vote: All Ayes.

Financial Implications: See report

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

2. **Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription**

From: City Manager

Recommendation: Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

Financial Implications: See report

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

3. **Amendment: FY 2023 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

Financial Implications: See Council Report

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

4. **Appointment of the Fire Chief**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

Financial Implications: See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Consent Calendar

5. Appointment of the Police Chief

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

Financial Implications: See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 2023

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 - \$7,305,000

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

7. 2023 Local Housing Trust Fund Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

Financial Implications: See report

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

8. Contract No. 31900263 Amendment: Rebuilding Together East Bay-North Contract Continuation Recommendation

From: City Manager

Recommendation: Adopt a Resolution: 1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

Financial Implications: See report

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

Consent Calendar

9. Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

Financial Implications: Various Funds - \$75,000

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

10. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.

Financial Implications: General Fund - \$50,000

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

11. Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping. The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.

Financial Implications: General Fund - \$110,000

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

12. Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions. The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.

Financial Implications: Various Funds - \$380,000

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

Consent Calendar

13. Contract: Hansine Fisher & Associates for Targeted Case Management and Medi-Cal Administrative Activities Consulting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services. The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.

Financial Implications: Target Case Mgmt/Linkages Fund - \$100,000

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

14. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.

Financial Implications: See report

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

Consent Calendar

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

From: City Manager

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

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. Maternal, Child and Adolescent Health (MCAH) Program in the projected amount of \$375,000 for FY 2024.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. Immunization Program in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. Childhood Lead Poisoning Prevention Program (CLPPP) in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. CalFresh Health Living (CFHL) Program in the projected amount of \$487,170 for FY 2024 through FY 2027.

Financial Implications: See report

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

16. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

From: City Manager

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

1. Foster Care Program in the projected amount of \$96,500 for Fiscal Year 2024.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for Fiscal Year 2024.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2024.
4. Tobacco Prevention Program in the projected amount of \$78,960 for Fiscal Year 2024.

Financial Implications: See report

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

Consent Calendar

- 17. Accept California Strengthening Public Health Initiative Funds from the State of California**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 18. Establish Classification and Salary: Electrical Supervisor and Communications Supervisor**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Establishing the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
2. Establishing the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 19. Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Mortar Rock Park in memory of Charles D. Sooy.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.
Financial Implications: Various Funds - \$2,000,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 21. Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division's Online Registration System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division's online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.
Financial Implications: Various Funds - \$360,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 22. Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.
Financial Implications: CIP Fund - \$1,338,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 23. Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract No. 32000180 Amendment: Missionmark for Audit Management and Recommendation Tracking Software**
From: Auditor
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
- 25. Approval of Additional Disaster and Fire Safety Commission Meeting**
From: Disaster and Fire Safety Commission
Recommendation: Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2023.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

26. **FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update**

Public Hearing #1

From: City Manager

Recommendation: Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.

Financial Implications: See report

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

Action Calendar – Public Hearings

27. Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and 4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and 5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A to the report, and 6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and; 7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

Financial Implications: See report

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

Action Calendar – New Business

28. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements

From: City Manager

Recommendation:

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution No. 70,156-N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Information Reports

29. FY 2023 Second Quarter Investment Report: Ended December 31, 2022

From: City Manager

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

30. Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance

From: City Manager

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

31. LPO NOD: 1919 Addison Street, #LMSAP2022-0012

From: City Manager

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

32. LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 27, 2023.



Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).

Item #5: Appointment of the Police Chief

1. April Gilbert

Rampant Crime in Berkeley

2. Kimberly Damer
3. Dee Williams-Ridley
4. Rika Yamamoto
5. Alene Griffin
6. Nidhi Bhatnagar
7. Colleen Aitken
8. Li Kelty
9. Alan Jencks
10. Robin Kibby

UA Theater

11. Jennifer Renzi
12. Warren Long
13. Anthony Verruso
14. Kurt Landisman
15. Spreck Rosekrans
16. Wendy Stock

Golden Gate Fields

17. Christopher Kroll
18. Melanie Lawrence
19. Helen Cameron
20. Lisa Fitch

Vision Zero for San Pablo Avenue

- 21. Benjamin Fry
- 22. Kevin Burke

Recycling Programs

- 23. David Lerman
- 24. Martin Bourque

Bike Lanes for 1307 Dwight Way

- 25. Laurel and Ben Kuchinsky (2)

Parking Restrictions at James Kenney Community Center

- 26. Johsua Buchin

Berkeley Animal Care Services

- 27. Kristen Anderson
- 28. Leslie Smith

Porta Potties at People's Park

- 29. Nancy Schimmel
- 30. Summer Brenner
- 31. Wynd Kaufmyn

Loud Music at The Tap In Lounge – 2012 Shattuck Avenue

- 32. Keiti Hashimero

Protect our Sacred Ohlone Sites

- 33. Susan Nunes Fadley

Invitation to Berkeley High School U9 Climate Conference

- 34. Zia Grossman-Vendrillo

Lack of Communications – City Services

- 35. Scott Schwalbach

Berkeley Waterfront

- 36. Jack Kurzweil

Homelessness

- 37. Thom Lauret

Build, Build, Build Mentality

- 38. Barbara Gilbert

Solar Lights Requested at UC Berkeley Along Bancroft

- 39. Sandy Shaw Friedman

Impending Foxtail Disaster

40. Chelonii11059@

City of Berkeley Requirement Increases Cancer Among Residents

41. Daniel Auten

Step Up Housing Memo

42. Lisa Warhuss, Director of Health, Housing and Community Services (HHCS)

Traffic Safety on Francisco Street between Sacramento and MLK Jr. Way

43. David Lerman

2920 Shattuck

44. Larisa Cummings (2)

45. Sharon Gong

Support Budget Referral for Berkeley's Paths

46. Jen Bilik

Berkeley Ceasefire Program/Racial Profiling

47. Elana Auerbach (2)

Berkeley Police Surveillance Ordinance Policies Related to Unmanned Aerial Systems

48. Hansel Aguilar

Delays in Berkeley Police ODPa Work Production

49. Hansel Aguilar

Annual Report for Berkeley Police Equipment and Community Safety Ordinance

50. Hansel Aguilar

Natural Gas Stoves

51. John Jones

52. Tom Hanson

The YIMBY's and 50-Story Tower

53. Zelda Bronstein

Crosswalk at 6th and Addison

54. Eric Wiesner

Psychedelics Decriminalization

55. Esi Mathis

Support for African American Holistic Resource Center

56. Moni Law

In Support of The Center for Independent Living

57. Mary Behm-Steinberg, Chair of Human Welfare and Community Action Commission

Small Business Fees and Fines

58. Walter Wood

Hopkins Corridor

59. Ben Gould, Chairperson for Environmental and Climate Commission

60. Janet Jacobson-Weiss

61. Damon Guthrie

62. Marc Hedlund (2)

63. Kevin Powell

64. Eileen Hughes

65. Save Hopkins

66. Bob Flasher

67. Andrew Brozyna

68. Norma Guzman

69. Jay Sayre

70. Mario Aranha

71. Deborah Georges

72. Sandra and Tim Easley

73. Henry Pinkard

74. Susan Taylor

75. Renate Crocker

76. Paul Mileck

77. Ann Danforth

78. Mary Staats

79. Friends of Five Creeks

80. George Porter

81. Kaylene Stocking

82. Susan Taylor

83. Laura Atkins

84. Renetia Martin

85. Isobel White

86. Arlene Owseichik

87. Mitch Varhula

88. Steve Sperber

89. Margot Smith

90. Brandon Brodt

91. Elsie Wong

92. Julie Wong

93. Ben Gerhardstein (3)

94. Larry Goldman

95. David Sprague, Interim Fire Chief
96. Dorothea Dorenz
97. Byron Barrett
98. Kelly Hammargren
99. Alex Takaoka
100. Jane Diamond
101. S. Entwistle
102. Tom Mysz
103. Carol Sawdey
104. Meg Holm
105. David Gilbert
106. Ken Frankel
107. J. Brodsky
108. Bob Muzzy
109. Alan Pearson
110. Ann Rogers
111. Stephen Woodrow
112. Susan Griffin
113. Meri Issel
114. Howard Winet
115. Cherie Hearne
116. Helen Toy
117. Bobin Kibby
118. Bill Pottinger
119. Marty Rosenthal
120. Mimi Sternberg
121. Josephine Perry
122. Dee Williams-Ridley, City Manager
123. Laurel Denyer
124. Deborah Shaw
125. Leni Siegel
126. Diana Bohn
127. Dave Stark
128. Julia Moss
129. Ross Bernet
130. Ben Gerhardstein
131. Save Hopkins
132. Warren Wells
133. Andrew Little
134. Ethan Bodle
135. Helena Worthen
136. Jeremy Townsend
137. Adam Moss
138. Friends of Five Creeks
139. Kristiane Skolmen
140. Jeff Habicht

141. Rebecca Meyer
142. Rob Schwartz
143. Stewart Smith
144. Steven Wang
145. Jenna Fahle
146. Tatiana Guerreiro Ramos
147. Linda
148. Pat Hill
149. Julie Bussgang
150. Ben Thomas
151. Rosemary Clark
152. Betty Seto
153. Elise Fortin
154. Adrian
155. Em Holmes
156. Save Hopkins
157. Sarah Lefton
158. Laura Fujii
159. Emily Huston
160. Todd Andrew
161. Jenny Johnston
162. Lucas Cantor
163. Byron Barrett
164. Kathy Kosinski
165. Andrew Judd
166. Andy Peterson
167. Save Hopkins

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**
Available by 5:00 p.m. two days following the meeting.

