

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Thursday, September 29, 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](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/89476550043> . 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: **894 7655 0043**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

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

## Preliminary Matters

**Roll Call:** 6:07 p.m.

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

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 6:17 p.m.

**Ceremonial Matters:** None

### City Auditor Comments:

The City Auditor noted Item 9 regarding the new Audit Recommendation Dashboard and provided a demonstration of the Dashboard.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 3 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

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

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

- Lease Agreement: 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park with Waterside Workshops**  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,831-N.S. authorizing the City Manager to execute a lease agreement with Waterside Workshops to use the 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park for a lease term anticipated to begin November 1, 2022 and ending November 1, 2031.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,831–N.S.

## Consent Calendar

- 2. Ordinance Amendment: Correction to the COVID-19 Emergency Response Ordinance, BMC Chapter 13.110**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison**  
**Recommendation:** Adopt second reading of Ordinance No. 7,832-N.S. correcting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance, to clarify the effect of Ordinance No. 7,762-N.S. upon tenant protections that were inadvertently omitted during the last update of BMC Chapter 13.110.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,832–N.S.
- 3. Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance No. 7,643-N.S.**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,833-N.S. repealing Chapter 12.76 of the Berkeley Municipal Code and repealing Ordinance No. 7,643-NS.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000, Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,833–N.S.
- 4. Urgency Ordinance Extending the Lease for Real Property at 742 Grayson Street**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance to extend an existing lease for the real property located at 742 Grayson Street, Berkeley, CA for an additional month, through October 31, 2022.  
**Financial Implications:** Measure P Funds - \$26,379  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Urgency Ordinance No. 7,836–N.S. revised to extend the lease term to December 31, 2022.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 29, 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 - \$15,891,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

**6. Contract - Gaumard Scientific Company, Inc. for High Fidelity Training Equipment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Gaumard Scientific Company, Inc., using the General Services Agency's (GSA) Contract No. 47QSEA21D002V, for high fidelity training equipment in an amount not to exceed \$375,000 through June 30, 2024.

**Financial Implications:** Measure FF - \$375,000

Contact: David Sprague, Fire, (510) 981-3473

**Action:** Adopted Resolution No. 70.546–N.S.

## Action Calendar – Public Hearings

### 7. ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0070 to construct a six-story, mixed-use building on a vacant lot, with 66 units (including five Very-Low-Income units), 1,680 square feet of commercial space, 2,514 square feet of usable open space, and 17 to 28 ground-level parking spaces, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 28 speakers. M/S/C (Arreguin/Harrison) to close the public hearing.

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

Councilmember Droste absent at 8:01 p.m.

**Action:** M/S/C (Kesarwani/Arreguin) to adopt Resolution No. 70,547-N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0070 to construct a six-story, mixed-use building on a vacant lot, with 66 units (including five Very-Low-Income units), 1,680 square feet of commercial space, 2,514 square feet of usable open space, and 17 to 28 ground-level parking spaces, and dismiss the appeal with modifications to the conditions of approval noted below.

12. Screening Trees. The Project Proponent shall consult with the project landscape architect for species recommendations for planting in the 5-foot-wide landscape strip on the eastern property line that closely achieves this objective: a row of large screening trees (24" box minimum up to 36") that have an initial height of 10' and full height of 25-30 feet height minimum. The project Landscape Plan shall include the proposed plantings to be reviewed by Land Use staff.
28. Traffic Study. The Project Proponent shall retain the project traffic consultant to perform an analysis of the remaining eight traffic signal warrants at San Pablo and Harrison Avenues for consideration of a traffic signal for the intersection. The traffic study shall include an analysis of Level of Service (LOS) at this intersection for consideration of a left turn prohibition at the intersection. The traffic study shall be submitted to the Transportation Division for review and approval. Recommendations of the study shall be factored into the City's long-term Capital Improvement Plan.
29. Parking Garage Exit. The Project Proponent shall submit plans showing the installation of a "Left Turn Only" sign and left turn pavement markings at the parking garage exit, to facilitate left turns only onto Harrison Street. The Project Proponent shall also consider modifying the driveway to angle toward the left to facilitate left turns. Sound level specifications for a pedestrian alert system at the garage exit shall be submitted for review and approval by the Land Use staff, with the intent to minimize impacts to the neighborhood.

## Action Calendar – Public Hearings

30. The Project Proponent shall contact Caltrans to pursue whether an encroachment permit could be approved for relocating the parking garage driveway to the San Pablo frontage. If such a permit is permissible, including necessary design and safety analysis, then the Project Proponent shall redesign the project to accommodate the relocated driveway, pursue the encroachment permit from Caltrans, and submit a revised building floor plan and elevation to the City during the Building Permit review process. If this encroachment permit is deemed not feasible, then Condition #29 applies.

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

Recess 9:14 p.m. – 9:29 p.m.

## Information Reports

8. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Moved to Action Calendar. 1 speaker. Discussion held.
9. **New Audit Recommendation Dashboard**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed.

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

## Adjournment

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

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

Adjourned at 9:51 p.m.

## Communications

### Item #4: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070

1. Dan Hayes
2. Margaret Pritt (5)
3. Yvette Bozzini
4. Melissa and Carlos Blanco
5. Jean Molesky-Poz (2)
6. Eric Danysh
7. Matt Culliname

8. Diana Wood

**Missed Refuse Pickup**

9. Barbara Gilbert

**Parking Tickets**

10. Michael Wright

11. Tony Benado

**Tree Problem at Indian Rock Park**

12. Richard Beahrs

13. Tony Benado

**Police Accountability Board and Office of the Director of Police Accountability  
Year-End Report**

14. Maritza Martinez, on behalf of the Office of the Director of Police Accountability

**Toxic Pesticide Federal Bill**

15. Maya Cohen

**Supportive Housing at 1367 University Avenue**

16. Homeless Services Panel of Experts

**Opposition to Measure L**

17. Margots999@

**Wildfire Prevention**

18. Bruce Feingold

**Supplemental Communications and Reports 1**

**Item #4: Urgency Ordinance Extending the Lease for Real Property at 742 Grayson Street**

19. Supplemental material, submitted by the City Manager's Office

20. Dorothea Dorenz

**Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

21. Karen Gosling

22. Doris Iaroli

23. Mary Wyand

24. Leslie Barbazette

25. Chandini Stanley

26. Deirdre O'Regan (2)

27. Brett D'Ambrosio

28. Margaret Pritt

29. Nguyen Tan

30. Susie Altman

## **Supplemental Communications and Reports 2**

### **Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

31. Colin Felton and Betty Yu

32. Steve Kosach

33. Courtney Welch, on behalf of the California Renters Legal Advocacy and Education Fund

34. Susan Cohen

35. Margaret Pritt (2)

36. Dan Hayes

## **Supplemental Communications and Reports 3**

### **Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

37. Presentation, submitted by Planning and Development

38. Reed Schwartz