

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, May 23, 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/1604260018>. 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: 160 426 0018** 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: 6:14 p.m.

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

Absent: None

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 Chochochenyo (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:

1. Recognition of May as Mental Health Month

City Auditor Comments:

The City Auditor provided an update on the progress by the Police Department and Public Works Department on their audit report recommendations.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 3 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 7 speakers.

Action: M/S/C (Arreguin/Hahn) to accept supplemental materials on Item 46 from Councilmember Harrison.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

- 1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**
From: Mayor Arreguin (Author)
Recommendation: Adopt a second reading of Ordinance No. 7,861-N.S. adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.
First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted second reading of Ordinance No. 7,861–N.S.
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**
From: Sharon Friedrichsen, Budget Manager
Recommendation: Adopt second reading of Ordinance No. 7,862-N.S. 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 \$27,940,780 (gross) and \$29,658,924 (net).
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,862–N.S.
- 3. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRAs Cost Sharing Agreements**
From: Aram Kouyoumdjian, Human Resources
Recommendation: Adopt second reading of Ordinance No. 7,863-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 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.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,863–N.S.

Consent Calendar

- 4. Appointment of Emergency Standby Officers for City Council District 8 and District 2**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,833–N.S.
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 6. Police Accountability Board – Appointment of New Members**
From: City Manager
Recommendation: Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 70,834–N.S.

Consent Calendar

- 7. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the TBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,835–N.S.
- 8. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,836–N.S.
- 9. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,837–N.S.
- 10. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2024.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,838–N.S.

Consent Calendar

- 11. Contracts: On-Call Fine Art Services Providers for the Public Art Collection**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:
1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
 2. Kala Art Institute, for an amount not to exceed \$100,000.
 3. Preservation Arts LLC, for an amount not to exceed \$200,000.
 4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.
- Financial Implications:** See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,839–N.S. (Atthowe); Resolution No. 70,840–N.S. (Kala); Resolution No. 70,841–N.S. (Preservation); and Resolution No. 70,842–N.S. (ShipArt).
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 23, 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 - \$1,907,987
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 13. Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend the City's contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.
Financial Implications: \$975,000.
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,843–N.S.

Consent Calendar

- 14. Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,844–N.S.
- 15. Notice of Appropriations Limit for Fiscal Year 2024**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,845–N.S.
- 16. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,846–N.S.
- 17. Piggyback Contract – Data Ticket for Administrative Citation Processing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473, Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,847–N.S. as amended in Supplemental Communications Packet #1 from the City Manager's Office.

Consent Calendar

- 18. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:
1. Tuberculosis Control Program, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.
2. Public Health Infrastructure Program, in the projected amount of \$32,080 for FY 2024 from Alameda County.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,848–N.S. (Tuberculosis); and Resolution No. 70,849–N.S. (Public Health).
- 19. Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning 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 JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services. The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,850–N.S.
- 20. Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,851–N.S.

Consent Calendar

- 21. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,852–N.S.
- 22. Contract: Accela, Inc. for Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.
Financial Implications: Various Funds - \$299,710
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,853–N.S.
- 23. Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.
Financial Implications: Various Funds - \$399,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,854–N.S.

Consent Calendar

- 24. Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.
Financial Implications: Various Funds - \$436,954
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,855–N.S.
- 25. Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**
From: City Manager
Recommendation: Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Approved recommendation.
- 26. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: See Policy Committee Recommendation
Policy Committee Recommendation: Send the item to City Council with a positive recommendation that Council:
1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.
2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Approved as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Consent Calendar

- 27. Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,856–N.S.
- 28. Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,857–N.S.
- 29. Development of Artists Affordable Housing Certification Program**
From: Civic Arts Commission
Recommendation: Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.
Financial Implications: See report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Approved recommendation.

Consent Calendar

30. **Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*
From: Energy Commission
Recommendation: The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.
Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Referred to the Budget & Finance Committee.
31. **Contract: AppleOne Employment Services for Temporary Staffing Services**
*****Removed from the agenda by the Director of Police Accountability*****
From: Director of Police Accountability
Hansel Aguilar, Police Accountability Board, (510) 981-4960

Council Consent Items

32. **Resolution to Support SB 532**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,858–N.S.
33. **Addressing Hyundai and Kia Car Thefts**
From: Mayor Arreguin (Author)
Recommendation:
1. Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.
2. Direct the City Attorney to explore taking legal action against Hyundai and Kia.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Hahn and Vice-Mayor Bartlett added as co-sponsors. 1. Adopted Resolution No. 70,859–N.S. 2. Approved recommendation.

Council Consent Items

- 34. Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,860–N.S.
- 35. Budget Referral: Vision Zero Improvements at 6th & Addison Intersection**
From: Councilmember Taplin (Author)
Recommendation: Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 36. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund, and from any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: 1. Adopted Resolution No. 70,861–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Robinson - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$200; Mayor Arreguin - \$250. 2. Adopted Resolution No. 70,862–N.S. (Co-Sponsorship).

Council Consent Items

37. **FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

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

Recommendation: Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

Policy Committee Recommendation: to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:

SUBJECT LINE

FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.

Council Consent Items

RECOMMENDATION

Refer \$250,000 to the June 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards, to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including potential reduced rents/right to return for existing establishments, appropriately-sized and accessible commercial spaces, and rent-controlled commercial spaces as a potential community benefit. Examples of such neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

Financial Implications: See report

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

Action: Approved as recommended by the Land Use, Housing, & Economic Development Committee with a correction to #5 to use the original text for #5 that does not reference commercial rent control.

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

Council Consent Items

- 38. Support for H.R.603 - HEAL Act**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 70,863–N.S.
- 39. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.
Financial Implications: See report
Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 70,864–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$500; Councilmember Kesarwani - \$200.

Action Calendar – Public Hearings

- 40. ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**
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 #ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 2 speakers. Appeal withdrawn prior to the meeting. No action taken.

Action Calendar – Public Hearings

- 41. Fee Increase: Condominium Conversion Program Application Fee**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Taplin) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,865–N.S.
Vote: All Ayes.
- 42. Fee Increase: Condominium Conversion Program Subordination Fee**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,866–N.S.
Vote: All Ayes.
- 43. Fee Increase: Below Market Rate (BMR) Housing Monitoring Program**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 1 speaker.
M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,867–N.S.
Vote: All Ayes.

Action Calendar – Public Hearings

44. Selected Marina Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.

Financial Implications: See report.

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,868–N.S.

Vote: All Ayes.

45. Changes to Selected Parks and Recreation Fees

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.

Financial Implications: See report.

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,869–N.S.

Vote: All Ayes.

Recess 8:02 p.m. – 8:22 p.m.

Action Calendar – New Business

46. Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

From: City Manager

Recommendation: Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

Financial Implications: See report

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

Action: M/S/Failed (Humbert/Taplin) to suspend the rules and extend the meeting to 11:30 p.m.

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

Action: 16 speakers. M/S/Carried (Arreguin/Hahn) to schedule Item 46, including the supplemental materials submitted, the June 13, 2023.

Vote: All Ayes.

Council Consent Items

47. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses

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

Recommendation:

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and

2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.

3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

Financial Implications: Loss of tax revenue

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

Action: Councilmember Harrison and Vice-Mayor Bartlett added as co-sponsors. Item held over to June 27, 2023.

Information Reports

48. **Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.
49. **Audit Recommendation Status - Data Analysis of the City of Berkeley’s Police Response**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Referred to Public Safety Committee.
50. **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: Referred to the Budget & Finance Committee.

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

Adjournment

Adjourned at 11:00 p.m.

Communications

Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087

1. Stephen Bedrick

Item 47: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses

2. High Fidelity Dispensary

Encampments

3. Craig Nagasawa

Asha Tea House Unhoused Individual

4. Diana Lui, on behalf of the Asha Tea House
5. Sergeant Kevin Kleppe, Berkeley Police Department

Willard Clubhouse

6. Kathryn Golden and Ashley James
7. Alexander Stec
8. Judith Bebbelaar

9. Mary Oram
10. Kinga Chomicz
11. Marcia Levenson
12. Sabina Tuleja
13. Cal Collier
14. Randolph and Frances Starn
15. Greenfire Law
16. Paul Tuleja
17. Patrick Kehoe
18. Maria Kiernik
19. Russ Greene
20. Roger Abraham and Maureen Crosgrove
21. Deborah Roosevelt
22. David Kellogg

Crime in Berkeley

23. Sheila Press
24. Dee Williams-Ridley, City Manager

Berkeley Waterfront

25. Roberta Wyn, on behalf of Citizens for East Shore Parks
26. Susan Schwartz
27. Friends of Five Creeks

Golden Gate Fields

28. Miriam Maxwell
29. Tweed Conrad
30. Christopher Kroll

Reparations

31. Mike Chang
32. George Torgun (2)

Measure T1

33. Eric Friedman

Slavery

34. Don Wrafter
35. Joseph Cruickshank

Berkeley, a Smart City

36. Helen Gallegos Evans

AB 73: Idaho Stops for Bicyclists

37. Leni Siegel

City Hall Video

38. Tracy Eaves

Trash Bins

39. John Rice

Vision Zero Implementation

40. Steve Lipson

Racial Profiling

41. Elana Auerbach

Add Domestic Violence Back to Berkeley Police Department

42. Mee345@

Thank You from Kala

43. Ellen Lake, on behalf of the Kala Art Institute

Hopkins Corridor

44. Ben Gerhardstein

45. Marguerite Lee

Tenant Opportunity to Purchase Act (TOPA)

46. Merle Lustig

47. Holly Scheider

48. John Holme

U.A. Theater Demolition

49. Hal Erickson

ADU's in Berkeley

50. Mark Gilligan

Environment Justice, Policy and Sustainability

51. Ken Noji

1307 Dwight Way

52. Kaufman Dolowich Voluch Law Firm

RPP Permit Renewal

53. Jack Kurzweil

Wildfire Preparedness Week

54. David Sprague, Fire Chief

URL's Only

- 55. Susan Nunes Fadley
- 56. Vivian Warkentin

Supplemental Communications and Reports 1

Item #17: Piggyback Contract – Data Ticket for Administrative Citation Processing

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

Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP 2022-0087

- 58. Kanta Morinaga

Supplemental Communications and Reports 2

Item #37: FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing

- 59. Melinda Howard-Herrarte, on behalf of the Sierra Club

Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

- 60. Supplemental material, submitted by Councilmember Harrison
- 61. Andrew Goldberg
- 62. Charles Goldberg
- 63. Tracy Rosenberg, on behalf of Oakland Privacy
- 64. Lisa Mott
- 65. Ganesh Ramamurthy
- 66. Allyson Arons
- 67. Sandy Lee
- 68. V. Wong
- 69. Grace Hartman
- 70. Alex Goldberg
- 71. Jill Travis
- 72. August Wagele
- 73. 14 Similarly worded letters

Supplemental Communications and Reports 3

Item 32: Resolution to Support SB 532

- 74. Barbara Gilbert

Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087

- 75. Stephen Bedrick (2)
- 76. Alex Georges

Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

- 77. Presentation, submitted by the Berkeley Police Department
- 78. Supplemental material, submitted by Councilmember Harrison
- 79. Glomax

80. Damian Park
81. Deanna Mason
82. Jan Schinhofen
83. John Parman
84. Taline
85. Arabelle Malinis
86. Gabriela Giacchino
87. Jeff Vincent
88. John-Mario Arcilla Sevilla
89. Susan Payne
90. Paul Rickey
91. John Ho
92. Tracee Farrell
93. Fran Haselsteiner
94. Hansel Aguilar, Police Accountability Board (2)
95. Mark Numainville, City Clerk
96. Moni Law
97. Josh Buswell-Charkow

Miscellaneous

98. Message from Eid