

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83933192334>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **839 3319 2334**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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

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

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

Preliminary Matters

Roll Call: 6:01 p.m.

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

Absent: Kesarwani, Taplin, Arreguin

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Taplin present at 6:10 p.m.

Mayor Arreguin present at 6:18 p.m.

Report from Closed Session

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

Ceremonial Matters:

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

City Manager Comments:

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

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

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

Vote: All Ayes.

Consent Calendar

- 1. Ordinance authorizing an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,813-N.S. amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRAs members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,813–N.S.
- 2. Commission Reorganization: Amendments to Berkeley Municipal Code Section 7.52.190 (Homeless Services Panel of Experts)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,814-N.S. amending Section 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,814–N.S.
- 3. Placing a Measure on the November 8, 2022 Ballot Related to Housing for Persons of Low-Income**
From: City Manager
Recommendation:
1. Adopt a Resolution submitting a measure related to housing for persons of low-income to a vote of the electors at the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
Financial Implications: No direct fiscal impacts
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 1. Adopted Resolution No. 70,403–N.S. 2. Designated Mayor Arreguin, Councilmember Harrison, and Councilmember Hahn to file ballot measure arguments on this measure on behalf of the Council.

Consent Calendar

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

Consent Calendar

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

Consent Calendar

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

Consent Calendar

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

Consent Calendar

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

Consent Calendar

24. Commission Reorganization: Creating the Transportation and Infrastructure Commission

From: City Manager

Recommendation: Adopt a Resolution: rescinding Resolution No. 55,751-N.S. which created the Transportation Commission, rescinding Resolution No. 55,750-N.S. which created the Public Works Commission, and establishing the Transportation and Infrastructure Commission.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,410–N.S. as revised in Supplemental Communications Packet #2 from the Public Works Department to revise the formation date of the new Transportation and Infrastructure Commission.

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

25. Final Map of Tract 8621: 1169-1173 Hearst Avenue

From: City Manager

Recommendation: Adopt a Resolution approving the final map of Tract Map 8621, a five (5) unit residential condominium project consisting of a single-family dwelling unit and two duplexes at 1169-1173 Hearst Avenue.

Financial Implications: See report.

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

Action: Adopted Resolution No. 70,411–N.S.

26. Call for Immediate Ukraine Ceasefire

From: Peace and Justice Commission

Recommendation: Adopt a Resolution Urging a Ceasefire between Ukraine and Russia.

Financial Implications: Staff time

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action: Adopted Resolution No. 70,412–N.S.

Consent Calendar

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

From: Sugar Sweetened Beverage Product Panel of Experts

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

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

Financial Implications: See report

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

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

Council Consent Items

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

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

Direct the City Manager to:

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

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

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

Financial Implications: Staff time

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

Action: Item 28 continued to July 12, 2022.

Council Consent Items

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

Action Calendar – Public Hearings

- 30. FY 2023 and FY 2024 Proposed Budget Public Hearing #2**
From: City Manager
Recommendation: Conduct Public Hearing #2 on the FY 2023 and FY 2024 Proposed Budget.
Financial Implications: See FY 2023 and FY 2024 Proposed Biennial Budget
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- Public Testimony:** The Mayor opened the public hearing. 21 speakers.
M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None, Abstain – None; Absent – Kesarwani.
- Councilmember Kesarwani absent 8:30 p.m. – 8:42 p.m.
- Action:** Presentation made and discussion held. No action taken.
- Recess 8:32 p.m. – 8:42 p.m.

Action Calendar – Old Business

- 31. City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program (Continued from May 31, 2022.) (Item contains supplemental material.)**
From: City Manager
Recommendation: Provide comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Item 30 and Item 31 taken up together. Received supplemental material in Supplemental Communications Packet #1 from the City Manager. See action for Item 30.

Action Calendar – Old Business

32. **Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report** (*Continued from May 10, 2022*)
From: City Manager
Recommendation: Adopt a Resolution approving the Controlled Equipment Impact Statements, Associated Equipment Use Policies and Equipment.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: M/S/C (Arreguin/Harrison) to continue Item 23 and Item 32 (including the supplemental material in Supplemental Communications Packet #2 from the Police Accountability Board and the supplemental material in Supplemental Communications Packet #1 from the Police Department) to a special meeting at 4:00 p.m. on June 21, 2022.
Vote: All Ayes.

Action Calendar – New Business

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

Council Action Items

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

From: Councilmember Harrison (Author)

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

Financial Implications: See report

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

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

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

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

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

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

Council Action Items

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

Recommendation:

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

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

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

Financial Implications: See report

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

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

Information Reports

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

Information Reports

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

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

Adjournment

Adjourned at 11:00 p.m.

Communications

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

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

Berkeley Marina Area Specific Plan (BMAASP)/Chavez Park

2. Deborah Scott
3. phcanin@
4. Mike Vanderman
5. Steve Masover
6. Pat Phillips
7. Alexis Milea
8. Sierra Club East Bay Public Lands Committee
9. Beverley Spencer
10. Katherine Ogburn
11. Sasha Futran
12. Margo Lesl
13. Carlos Hill
14. Nancy Hormachea
15. Irene Jung-Huang

Public Safety

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

Hopkins Corridor Plan

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

Vaccination for Pool Use

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

SB 1338 – CARE Court Program

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

Homelessness Reporting

- 38. Natalie Hanson (4)
- 39. Councilmember Harrison

Affordable Housing

- 40. Gramma Grass
- 41. Barry Fike

1201-1205 San Pablo

- 42. Margaret

COVID + Masks

- 43. George Torgun

Landlord Issues

- 44. Nancy Joachim

45. Karen Oberdorfer

Fire Safety in the Berkeley Hills

46. Marissa Moss

Berkeley Unified School District

47. Cielo Rios

48. Mara Kolesas

Train Horns

49. Lauren Parson

City of Berkeley Website

50. Thomas Lord

Environment and Climate Commission

51. Sam Kaplan-Pettus

Sanctuary Contracting Ordinance

52. Elana Auerbach

35th Annual Juneteenth Festival

53. Delores Nochi Cooper

Israel Visit

54. Henry Norr

55. Glen Hauer

56. Max Ventura

57. Jeff Pekrul

58. Melanie Lawrence and John Smail

59. Rafael Gonzalez

60. Martha Larsen

61. Bonnie Weiss

62. Mary Prophet

63. Jay Rosenthal

64. Judy Grether

65. Anna T.

66. Izumi Van Cleave

67. Patricia Hartnett

68. Tori Porell

69. Charles Wollenberg

70. Carol Sanders

71. Hani Kaileh

72. Esther Lerman

73. Is Sullivan

74. Dorothea Dorenz

- 75. Karen Carroll
- 76. Andrew Paul Gutierrez
- 77. Dave Joki
- 78. Nora Roman
- 79. Daniel Zwickel ben Avram
- 80. Sara Sunstein
- 81. Eleanor Levine
- 82. Bobbi Sloan
- 83. Vivian Zelaya
- 84. P. Rainey

People's Park

- 85. Joe Liesner
- 86. Max Ventura

Police Accountability Board

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

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

- 90. Chris Horgan and Elena Prakoura

Cosco Busan Oil Spill of 2017

- 91. California State Department of Fish and Wildlife

Mayors for Peace

- 92. Jackie Cabasso

Mental Health for Berkeley Students

- 93. Hector Malvido

Bicycle and Rolling Tour

- 94. Aimee Baldwin

No Final Comments at May 24 Council Meeting

- 95. Blair Beekman

Increasing Property Taxes

- 96. Paul Mathew

Supplemental Communications and Reports 1

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

- 97. Elana Auerbach

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

98. 18 similarly-worded form letters

99. Maulin Chokshi

100. Kate Greswold

101. Eric Friedman

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

102. Supplemental material, submitted by the City Manager

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

103. Supplemental material, submitted by the Police Department

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

104. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

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

105. Phoebe Thomas Sorgen

106. Elana Auerbach

107. Lisa Ferguson

108. Laura X

109. Summer Brenner

110. Mary Prophet

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

111. Revised material, submitted by Public Works

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

112. Holly Scheider

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

113. Susan Springborg

114. Greg Martin

115. Denah Bookstein

116. George Lippman

117. John Rice

118. Diana Bohn

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

119. Supplemental material, submitted by the Police Accountability Board

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

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

Supplemental Communications and Reports 3

Ceremonial Matter: Presentation: Alameda County Affordable Housing Portal

- 124. Presentation, submitted by the County of Alameda

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

- 125. Diana Bohn

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

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

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

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

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

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