

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 11, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 18315 RAY'S ROAD, CABIN 5, PHILO, CA 95466

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](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/1607533030>. 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: **160 753 3030**. 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@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*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:** 6:17 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:21 p.m.

**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.*

### Report from Closed Session

The City Council met in closed session on July 10, 2023, pursuant to Government Code Sections 54956.9(a) and 54956.9(d)(1) and approved a settlement in the matter of Smith v. City of Berkeley, Alameda County Superior Court Case No. 22CV012424, in the amount of \$240,000 in exchange for a release of all claims against the City.

### Ceremonial Matters:

1. Adjourned in memory of Alan Goldfarb, former Berkeley City Councilmember

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 9 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 49 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,877-N.S. setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473  
**Action:** Adopted second reading of Ordinance No. 7,877–N.S.
- 2. FY 2024 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,878-N.S. setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100  
**Action:** Adopted second reading of Ordinance No. 7,878–N.S.
- 3. FY 2024 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,879-N.S. adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$728,631,293 (gross appropriations) and \$621,229,929 (net appropriations).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,879–N.S.

## Consent Calendar

- 4. 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), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,880-N.S. adopting 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.  
**First Reding Vote:** All Ayes.  
**Financial Implications:** Loss of tax revenue  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted second reading of Ordinance No. 7,880–N.S.
- 5. Encampment Resolution Funding Grant Award**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive a \$4,931,058 Encampment Resolution Funding Round 2 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,940–N.S.
- 6. Urgency Ordinance for Leasing the Real Property at 1619 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance to enter into a lease for the real property located at 1619 University Avenue, Berkeley for a term of 60 months.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted urgency Ordinance No. 7,881–N.S.
- 7. Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Berkeley Food and Housing Project to operate an interim housing program at the Super 8 Motel (1619 University Ave.) in an amount not to exceed \$7,295,635 for the period of August 1, 2023 to July 31, 2028  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,941–N.S.

## Consent Calendar

**8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 11, 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 - \$482,500

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

**Action:** Approved recommendation.

**9. Contract: Strategic Economics and Street Level Advisors for Affordable Housing Requirements Economic Feasibility Analysis**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Strategic Economics as a Contractor and Street Level Advisors as a subcontractor, to conduct an Economic Feasibility Analysis of the Affordable Housing Requirements for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$150,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,942–N.S.

**10. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$68,000 of Mental Health Services Act (MHSA) funding for the Specialized Care Unit for a not-to-exceed total of \$4,568,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,943–N.S.

**11. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$53,424, bringing the contract total to an amount not to exceed \$109,218 and extending the end date through May 12, 2026.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,944–N.S.

## Consent Calendar

- 12. California Department of Housing and Community Development (HCD) Prohousing Designation Program Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City of Berkeley's application to and participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,945–N.S.
- 13. Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements, and Police Employees Retiree Income Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000226 with MidAmerica Administrative & Retirement Solutions for administration of the SRIP I Disability, Retiree Health Premium Assistance Plan (RHPAP) Health Reimbursement Account (HRA), and Police Employees Retiree Income Plans (PERIP) for the period covering January 1, 2021 through December 31, 2025, for a total cost not to exceed \$233,736.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,946–N.S.
- 14. Contract No. 32300158 Amendment: AppleOne Employment Services for Temporary Staffing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300158 with AppleOne Employment Services for temporary staffing services, to cover the period February 1, 2023 to June 30, 2025, for a total cost not to exceed \$750,000.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,947–N.S.

## Consent Calendar

### 15. Revisions to the Unrepresented Employee Manual

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute changes to the Unrepresented Employee Manual that (1) effectuates merit raises for employees on salary ranges on their anniversary date in their current classification; (2) aligns vacation accrual, longevity pay rates, vacation sell-back policies, and a certification differential for the Fire Chief, the Police Chief, and their deputies with the corresponding provisions of the Memoranda of Understanding with the Berkeley Fire Fighters Association and the Berkeley Police Association; and (3) includes Accounting Office Specialists III among the classifications that qualify for the City Manager Department Differential.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,948–N.S.

### 16. Supplemental Military Leave Compensation Policy

**From: City Manager**

**Recommendation:** Adopt a Resolution extending Resolution No. 63,646-N.S. to offer the City's supplemental military leave compensation benefit retroactively from June 1, 2019 to June 30, 2025 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two (2) years that must be taken within 36 months of the leave request for employees called up to involuntary active military service. To receive the retroactive payment the employee must have been employed with the City of Berkeley at the time of active duty and remained employed with the City of Berkeley at the time of payment.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,949–N.S.

### 17. Accepting grant funds from the Alameda County Transportation Commission for the Berkeley Pier Water Transportation / Ferry Project

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the Alameda County Transportation Commission grant allocation for the Berkeley Pier Water Transportation/ Ferry Project in the amount of \$5,138,685, confirming the City's commitment to the Alameda County Transportation Commission grant requirements, and authorizing the City Manager to execute the associated grant agreement and amendments.

**Financial Implications:** Grant Revenue - \$5,138,685

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

**Action:** Adopted Resolution No. 70,950–N.S.

## Consent Calendar

18. **Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$75,000 for a new not to exceed amount of \$225,000 and extend the contract term from December 20, 2023 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,951–N.S.
19. **Contract No. 32300022 Amendment: Public Safety Family Counseling Group Inc. for Additional Critical Incident Stress Management (CISM), Education and Counseling Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300022 with Public Safety Family Counseling Group Inc. to provide additional CISM Peer Support Team support, education and counselling services, for a total amount not to exceed \$150,000 for a total contract amount not to exceed \$200,000, and extending the term through June 30, 2026.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,952–N.S.
20. **Conduct a Study on the City’s History of Discriminatory Actions in Housing Policies/Programs**  
**From: Housing Advisory Commission**  
**Recommendation:** Conduct a study that is comprehensive of the following actions: - Document the city of Berkeley’s past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city’s on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.  
**Financial Implications:** See report  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400  
**Action:** Approved recommendation and referred to the budget process (Annual Appropriations Ordinance No. 1) to identify funding for the cost of the study.



## Council Consent Items

- 21. Berkeley Housing Authority Board of Commissioners Re-Appointments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution re-appointing Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani to the Berkeley Housing Authority Board of Commissioners.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,953–N.S.
- 22. Support Rooftop Solar and Battery Storage for Multifamily Housing and Schools**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of viable Virtual Net Energy Metering (VNEM) and Net Energy Metering Aggregation (NEM-A) tariffs. Submit a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,954–N.S.
- 23. Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of up to \$5,000 from Mayor Arreguin, and any other Councilmembers, to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, with funds relinquished from the City's General Fund for the purpose of hiring of grounds keepers and providing the resources needed for the maintenance of the Chavez/Huerta Tribute Site, from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** \$5,000 – Mayor's Discretionary Fund  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,955–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$5,000; Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Taplin - \$250; Councilmember Hahn - \$200; Councilmember Kesarwani - \$100.

## Council Consent Items

- 24. Excused Absence for Vice Mayor Ben Bartlett**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Excuse Vice Mayor Ben Bartlett from the June 6, 2023 Council meeting as a result of an illness of a close family member who needed immediate care.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.
- 25. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.  
**Financial Implications:** \$500 – Councilmember's Discretionary Fund  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,956–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Bartlett - \$200; Councilmember Robinson - \$150; Councilmember Hahn - \$250; Councilmember Harrison - \$250.
- 26. Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund.  
**Financial Implications:** \$500 – Councilmember's Discretionary Fund  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,957–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$150; Councilmember Hahn - \$500.

## Council Consent Items

- 27. Resolution for unionized employees of REI**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor) Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution of Support for the unionized employees of Recreational Equipment, Inc. (REI) in Berkeley, California that instructs REI to live up to its values, by ceasing to withhold the 2022 “Summit Pay”, and bargain in good faith.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 70,958–N.S.
- 28. Relinquishment of Council Office Budget Funds and Co-Sponsorship of the César Chávez Dolores Huerta Tribute Site Curriculum Project**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving an expenditure of D13 funds and cosponsorship of the César Chávez/Dolores Huerta Tribute Site Curriculum Project, with \$250 relinquished to the City’s general fund for this purpose each from Mayor Arreguin’s and Councilmember Harrison’s discretionary Council Office Budget Funds, and from any other Councilmembers who would like to contribute.  
**Financial Implications:** \$250 – Councilmembers’ Discretionary Fund  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,959–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Bartlett - \$200; Councilmember Robinson - \$150; Councilmember Taplin - \$250; Councilmember Hahn - \$200; Councilmember Kesarwani - \$100.
- 29. Resolution Opposing Tokyo Electric Power Company and the Government of Japan’s Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a Resolution opposing Tokyo Electric Power Company (TEPCO) and the government of Japan’s plan to discharge wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean and send copies of this resolution to Secretary Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** No action taken.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn; Noes – None; Abstain – Kesarwani, Wengraf, Robinson, Humbert; Arreguin; Absent – None.

Recess 8:54 p.m. – 9:09 p.m.

## Action Calendar – Public Hearings

### 30. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.110 R-4 Multi-Family Residential District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use Specific Regulations (Commercial Districts)
- 23.204.060 C-U University Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Industrial Uses
- 23.206.080 MU-LI Mixed Use-Light Industrial District (Land Use Regulations)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.304.030 Setbacks
- 23.304.040 Building Separation in Residential Districts
- 23.308.020 Applicability and Nonconformities (Emergency Shelters)
- 23.308.030 Standards for Emergency Shelters
- 23.324 Nonconforming Uses, Structures, and Buildings
- 23.324.010 Chapter Purpose
- 23.324.050 Nonconforming Structures and Buildings
- 23.502.020 Glossary

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,882–N.S. Second reading scheduled for July 25, 2023.

**Vote:** All Ayes.

## Action Calendar – New Business

### 31. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by January 2024, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented. Some of our recommendations include: establish retention goals and conduct an analysis of staff needed for city operations and services; consider staff capacity around new legislation; take steps to improve employee satisfaction; identify opportunities for efficiency in the hiring process, and modernize its recruiting process; expand the telework policy to align with best practices; and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** 14 speakers. Supplemental material in Supplemental Communications Packet #2 from the City Auditor deemed received. M/S/C (Arreguin/Harrison) to approve the item.

**Vote:** All Ayes.

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

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

**Action:** M/S/Carried (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** All Ayes.

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

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

### 32. **Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs** **From: City Manager**

**Recommendation:** Adopt a Resolution to create an Affordable Housing Preference Policy applicable to new residential housing units created via the Below Market-Rate (BMR) and the Housing Trust Fund (HTF) programs consistent with Fair Housing law and government funder approvals, and direct the City Manager to adopt guidelines to administer the Housing Preference Policy.

**Financial Implications:** See report.

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

**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,960–N.S.

## Action Calendar – New Business

### 33. Adoption - Civic Center Phase II - Design Concept

**From: City Manager**

**Recommendation:** Adopt a Resolution approving Berkeley’s Civic Center Design Concept Plan, and declaring Council’s intention to support the preferred design concept and necessary future studies and projects articulated in the plan.

**Financial Implications:** See report.

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

**Action:** M/S/C (Arreguin/Wengraf) to refer Item 33, including the revised material in Supplemental Communications Packet #1 from City Manager’s Office, to the Agenda & Rules Committee for scheduling.

**Vote:** All Ayes.

## Council Action Items

### 34. Dedicated Public Comment Time for City of Berkeley Unions

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

**Recommendation:** Adopt a Resolution (Attachment 3 + Exhibits A and B to the report) revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting to:

1. Create a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, immediately following the existing initial ten-minute period of public comment on non-agenda items.
2. Rescind Resolution No. 70,725–N.S.

**Financial Implications:** None

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

**Action:** 7 speakers. The material in Supplemental Communications Packet #2 from Councilmember Humbert was withdrawn by the author. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,961–N.S.

**Vote:** All Ayes.

## Council Action Items

35. **De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use** *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*  
**From: Health, Life Enrichment, Equity & Community Committee**  
**Recommendation:** Approve the Resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee (Attachment 1), in lieu of the Resolutions provided in the originally referred item and by the Community Health Commission.  
*Policy Committee Recommendation: to send the item to Council with a qualified positive recommendation to approve the Resolution in the form and as amended by the committee. There is no “mark-up” of the CHC resolution because what the Committee decided to pass is a full rewrite.*  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150, Ben Bartlett, Councilmember, District 3, (510) 981-7130, Mark Humbert, Councilmember, District 8, (510) 981-7180  
**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,962–N.S. as recommended by the Health, Life Enrichment, Equity & Community Committee and revised in Supplemental Communications Packet #1 from Councilmember Hahn.

## Information Reports

36. **Annual Report on Landmarks Preservation Commission (LPC) Actions**  
**From: Landmarks Preservation Commission**  
Contact: Fatema Crane, Commission Secretary, (510) 981-7400  
**Action:** Received and filed.
37. **City Auditor Fiscal Year 2024 Audit Plan**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 5 speakers.**

## Adjournment

Adjourned at 11:30 p.m.

## Communications

### **Item #18: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

1. Steven Lipson
2. Councilmember Hahn

**Item #29: Adoption - Civic Center Phase II - Design Concept**

3. Jennifer Lovvron, Civic Arts Commission Secretary
4. Jack Kurzweil
5. Diana Bohn
6. Stephen Most
7. Juliet Lamont and Phil Price
8. Tom and Jane Kelly
9. Rachel Katz
10. Steven Finacom
11. Erin Biehm

**Hopkins Corridor – Repave and/or Bike Lanes**

12. Kester Allen
13. Janet Stromberg
14. David Brandon
15. Kathleen Haberer
16. Kevin Jones
17. David Sochowitzky
18. Ernesto
19. Kori Kody
20. Jose Arau
21. Marguerite Lee
22. Trarie Kottkamp
23. Lily Liang
24. Verna Winters
25. Constance Anderson
26. Jeffrey Kaplan
27. Susan Taylor
28. Matthew Skinner
29. Theresa Malki
30. David Coolidge
31. Shirley Kirsten
32. Amber Crowley
33. Barbara Gilbert
34. Meryl Siegal
35. Jennifer Winch
36. Jeanne Allan
37. Barbara Englis
38. Peggy Radel
39. Marguerite Tompkins
40. Sheridan Pauker
41. Michael Frantz
42. Rachel Bradley
43. Isabelle Gaston
44. Jan Woo
45. Dahlia Armon
46. Jean Weininger



47. Renate Crocker
48. Paul Elmore
49. Jacqueline Wilson
50. Susan DeMersseman
51. Justin Kao
52. Dan Alpert
53. Katherine de Runtz
54. Catherine Ryan
55. Steven and Judy Lipson
56. Ernie Mansfield
57. Kay Englund
58. Helen Toy
59. Eric
60. Melanie O'Hare
61. Ilyse Gordis
62. Constance Rivemale
63. Janice Murota
64. Rachel Hope Crossman
65. Stephen Wood
66. Ann Campbell
67. Janice Hamer
68. Jeanne Friedman
69. Zara Ortiz
70. Gar Smith
71. Joan Garvin
72. Richard Tamm
73. Grace Munakata
74. George and Wendy Draper
75. Friends of Hopkins Street
76. John Hitchen
77. Jessica Livingston
78. Timothy Ross
79. Kim Markison
80. Fiona Baker
81. Margret Leventhal
82. Pamela Zelnik
83. Shirley Kirsten
84. Bruce Chamberlain
85. Soleil Taylor
86. Jonah Gollub
87. Shirley Kirsten
88. AJ Romano
89. Bill Hackman
90. Cindi And Howard Goldberg

## **Fire Department Consultant Report**

- 91. Michael Wilson (2)
- 92. Liza Lutzker, on behalf of Walk Bike Berkeley
- 93. Stephen Dalton

#### **Natural Gas Ban**

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

#### **Horse Deaths**

- 95. Nancy Veerhusenb
- 96. Christopher Kroll
- 97. Acacia Schmidt
- 98. TC Conrad

#### **Celebrating Susan Felix**

- 99. Toby Furash

#### **Unhoused Toileting Letter**

- 100. Friends of Five Creeks

#### **Fully Fund African American Holistic Resource Center**

- 101. Boona Cheema

#### **Kudo's for the Fire Department**

- 102. L.J. Cranmer

#### **Rent Board Billing Errors**

- 103. Morris

#### **Healthy 4 Change Health Conference**

- 104. Ayanna Davis, on behalf of Healthy Black Families

#### **“Read Banned Books”**

- 105. Todd Andrew
- 106. Aimee Reeder, on behalf of the Berkeley Public Library

#### **1740 San Pablo Multifamily Housing Program**

- 107. Rachel Durney, NorCal Development, BRIDGE

#### **Overhead Utility Wires**

- 108. Maria Riddle

#### **Automated License Plate Readers**

- 109. Elana Auerbach
- 110. Diana Bohn

#### **Surveillance Cameras**

111. Toni Mester

**City Dysfunction**

112. Bob Flasher

**St. Paul AME Church and Ephesian Church of God Applying for Funding**

113. Norma Thompson, on behalf for Community Housing Development Corporation

**Help Business' Get Off the Ground**

114. Geoff Lomax

**Fireworks in South Berkeley**

115. Pamela Michaud (3)

116. Mike Kim

**My Tenant's Rights Stolen by City of Berkeley**

117. Deborah Black

**Transphobia in Berkeley and Albany**

118. Kirstyn Russell and Melissa Neal

**Asking for Help from the Mayor and Council**

119. Benjamin Stein

**URL's Only**

120. Vivian Warkentin (3)

**Supplemental Communications and Reports 1**

**Item #4: 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**

121. Fran Haselsteiner

122. John Rice

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

123. Phoebe Anne Sorgen

124. Mico Malecki

**Item #33: Adoption – Civic Center Phase II – Design Concept**

125. Revised material, submitted by the Office of Economic Development

126. Mike Vanderman

127. Charlene Woodcock

128. Sally Hughes

129. Diana Bohn

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

130. Supplemental material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 2**

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

131. Seaver Wang, on behalf of The Breakthrough Institute

132. Diane Bohn

133. Miya Sommers

**Item #31: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

134. Supplemental material, submitted by the City Auditor

**Item #32: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**

135. Carole Marasovic

**Item #33: Adoption – Civic Center Phase II – Design Concept**

136. Chase Hommeyer

137. Michael Weber

138. Miranda Ewell

139. Ruth Morgan

140. Summer Brenner

141. Drew Goetting, on behalf of Restoration Design Group

142. Ann Harlow

143. Stefen

144. Sylvia Soriano

145. Mary Price

146. Irene Rice

147. Fredrica Drotos

148. Dick and Mariko Eastman

149. Carolyn Shoulders

150. Tom Miller

151. Sheila Himmel

152. Bernard Marszalek

153. Sally Nelson

154. Stephen Most

155. Margot Cunningham

156. Jennifer Ware

157. Kathleen Giustino

158. Toni Mester

159. Nancy Schimmel

160. Charles Enchill

**Item #34: Dedicated Public Comment Time for City of Berkeley Unions**

161. Supplemental material, submitted by Councilmember Humbert

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

162. Camille MacDonald

163. Fran Haselsteiner

164. Clifton Ross

165. Karen Armstead

### **Supplemental Communications and Reports 3**

**Item #7: Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**

166. Steve Lipson

**Item #28: Relinquishment of Council Office Budget Funds and Co-Sponsorship of the Cesar Chavez Dolores Huerta Tribute Site Curriculum Project**

167. Beatriz Leyva-Cutler and Santiago Casal

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

168. Tsukuru Fors

169. Phoebe Thomas Sorgen

170. David McGuire

171. Torrance Carroll

172. Bindu Desai

173. Eva Frye

174. Yuka Saito

175. Laura Feldman

176. Linda Roman

177. Liz Taylor

178. Jacqueline Cabasso, on behalf of Western States Legal Foundation

179. Eri Tomita

180. Heiko Hasegawa

181. Desiree McGill

**Item #30: Zoning Ordinance Amendments to Title 23 of the Berkeley municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits**

182. Presentation, submitted by Planning and Development

**Item #31: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

183. Presentation, submitted by the Auditor

184. Presentation, submitted by the City Manager

**Item #32: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**

185. Derethia DuVal

**Item #33: Adoption – Civic Center Phase II – Design Concept**

186. Linda Currie

187. Beth Lamont

188. Diane Ross-Leech

189. Kelly Hammargren

190. Tom Kelly

191. Kathleen Giustino

192. Erin Diehm

193. Andra Mitchell

194. Jack Kurzweil

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

195. Isabelle Gaston

**Miscellaneous Communications**

196. Mr. Eid