

**REVISED AGENDA  
(ADDED CONTINUED ITEMS FROM JANUARY 18, 2022)**



**BERKELEY CITY COUNCIL MEETING**

**Tuesday, January 25, 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 audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84888765689>. 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: **848 8876 5689**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

### Roll Call:

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

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

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

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

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

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

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

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

## Consent Calendar

1. **Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of December 7 (special), December 9 (closed and special), December 14 (special and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, (510) 981-6900

2. **Revenue Contract: The Center at Sierra Health Foundation for \$90,999.50 for Information Technology Equipment, Telehealth Licenses, and Personal Protective Equipment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the California Department of Health Care Services (DHCS) through the Behavioral Health Telehealth Request for Applications and accept the funding and execute any resultant revenue agreements and amendments to purchase information technology equipment, telehealth software licenses, and personal protective equipment up to \$90,999.50 in FY 2022 and FY 2023.

**Financial Implications:** See report.

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

3. **2022 Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2022 for administering the Workers' Compensation Program, in an amount not to exceed \$268,093.55.

**Financial Implications:** See report.

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

4. **Grant Application: Land and Water Conservation Fund – Grove Park Renovation Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Land and Water Conservation Fund (LWCF) in an amount not to exceed 50% of the Grove Park Renovation total project cost of \$2.4M.

**Financial Implications:** See report.

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

## Consent Calendar

- 5. Contract No. 32000093 Amendment: DC Electric Group, Inc. for On-Call Electronic Traffic Calming Devices Maintenance Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000093 with DC Electric Group, Inc. to increase the current contract by \$250,000 for a total not to exceed amount of \$500,000 and to remove the \$50,000 annual limit.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
- 6. Contract: Glosage Engineering, Inc. for Sanitary Sewer Rehabilitation at Various Locations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Grizzly Peak Boulevard Backline, Euclid Avenue Backline, Cragmont Avenue Backline, Euclid Avenue, Wildcat Canyon Road, Woodhaven Road, Keeler Avenue, Spruce Street, and Eunice Street; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc.; and 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, in an amount not to exceed \$1,780,859, which includes a 10% contingency of \$161,896.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
- 7. Lease and Cooperative Agreement: Downtown Berkeley Bike Station**  
**From: City Manager**  
**Recommendation:**  
1. Adopt the first reading of an Ordinance authorizing the City Manager to execute a lease agreement with BART for retail space at the Center Street Garage for a fifteen-year lease term commencing February 1, 2021, and expiring on January 31, 2036.  
2. Adopt a Resolution authorizing the City Manager to execute a cooperative agreement with the Bay Area Rapid Transit District (BART) for the continued operation of the Downtown Berkeley Bike Station in its Center Street Garage location for a three-year term commencing July 1, 2020, and expiring on June 30, 2023, in an amount not to exceed \$225,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300

## Council Consent Items

8. **Resolution Requesting State Cannabis Cultivation Tax Reform**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution requesting State cannabis cultivation tax reform.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
9. **2022 Seating Arrangement during City Council Meetings**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Rescind Resolution No. 69,647–N.S and adopt a Resolution changing the seating arrangement of the Mayor and City Councilmembers on the dais for calendar year 2022, to accommodate the Vice-Mayor, as follows (From left to right, facing the dais): Kesarwani, Bartlett, Hahn, Harrison, Arreguin, Wengraf, Droste, Robinson, Taplin.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
10. **2022 City Council Committee and Regional Body Appointments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on December 31, 2022 or until new appointments are made.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
11. **Referring the Civic Arts Commission’s affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** 1. Refer the Civic Arts Commission’s report entitled affordable housing for artists in Berkeley to the City Manager, Planning Commission, and Housing Advisory Commission to review, consider, and incorporate recommendations, to the greatest extent possible, into the Housing Element update and related planning and zoning processes.  
2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

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

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

## Action Calendar – Old Business

- 12. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**  
*(Continued from December 14, 2021. Item contains supplemental materials)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.  
**Financial Implications:** None  
Contact: Jennifer Louis, Police, (510) 981-5900, LaTanya Bellow, City Manager's Office, (510) 981-7000

## Action Calendar – Continued Business

- Aa. Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**  
*(Continued from the January 18, 2022 meeting.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
- Ab. Public Works Commission Recommendation for the Five-Year Paving Plan**  
*(Continued from the January 18, 2022 meeting.)*  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution that recommends approval of the Five-Year Paving Plan version 12A ("Arterial Alternative") for FY2023 to FY2027.  
**Financial Implications:** See report.  
Contact: Joe Enke, Commission Secretary, (510) 981-6300

## Action Calendar – Continued Business

- Ac. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the January 18, 2022 meeting. Item contains supplemental material.)*  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:**
1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.
  2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.
- Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.*
- Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – Public Hearings

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

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

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

- B. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns** *(Continued from January 18, 2022. Item contains supplemental material.)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – New Business

13. **COVID-19 Response 2021 Summary Report**  
**From: City Manager**  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

## Information Reports

14. **LPO NOD: 2212 Fifth Street/#LMIN2021-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
15. **LPO NOD: 1120 Second Street/#LMSA2021-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
16. **LPO NOD: 1325 Arch Street/#LMIN2020-0008**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
17. **LPO NOD: 1960 University Avenue/#LMSA2021-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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



Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

**COMMUNICATION ACCESS INFORMATION:**

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



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 20, 2022.*

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

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

### **Assessment of Vacant Properties**

1. Human Welfare and Community Action Commission

### **Berkeley Marina**

2. David Lerman
3. Erica McFadden

### **Berkeleyside**

4. Charles Clarke
5. Pamela Turntine

### **Clark Kerr Volleyball Courts**

6. UC Berkeley

### **Crypto Currency**

7. Fred Dodsworth

### **Commercial Evictions**

8. Trea Cleaves (2)

## **COVID-19**

- 9. Anne McClintock
- 10. David Lerman (2)
- 11. Kelly Hammagren

## **Emergency Winter Shelter**

- 12. Elana Auerbach

## **International Day of Education**

- 13. Mina Karimabadi

## **Landmarks Preservation**

- 14. Charlene Woodcock

## **Mynd Management**

- 15. Anita Shriver

## **Political Representation**

- 16. Steve Martinot

## **Smoke Free Signage Absence**

- 17. Carol Denney

## **Shen Yun**

- 18. Lisa Ye

## **Urban Trees**

- 19. Nancy Bardach

## **Supplemental Communications and Reports 1**

### **Item 12: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

- 20. Diana Bohn

### **Item Aa: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 21. Wayne Huber
- 22. Jenn Guitart
- 23. John Rea

## **Supplemental Communications and Reports 2**

Available by 5:00 p.m. the day before the meeting.

## **Supplemental Communications and Reports 3**

Available by 5:00 p.m. two days following the meeting.