



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 10 (special), January 18 (regular), January 20 (closed and special), January 25 (closed and regular), and January 27 (special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 10, 2022-Special City Council Meeting
2. January 18, 2022-Regular City Council Meeting
3. January 20, 2022-Special Closed City Council Meeting
4. January 20, 2022-Special City Council Meeting
5. January 25, 2022- Special Closed Council Meeting
6. January 25, 2022-Regular City Council Meeting
7. January 27, 2022-Special City Council Meeting

## MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Monday, January 10, 2022  
4:30 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/84572745991>. 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: 845 7274 5991. 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:** 4:33 p.m.

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

**Absent:** Bartlett

## Consent Calendar

**Public Comment on Consent Calendar:** 0 speakers.

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

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

1. **Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From:** City Manager

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, and December 14, 2021.

**Financial Implications:** To be determined

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,176–N.S.

## Adjournment

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

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

Adjourned at 4:36 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council meeting held on January 10, 2022.

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Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 18, 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.*

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*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:** 6:03 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Adjourn in memory of Steve Nadel, Local Activist
2. Adjourn in memory of Aoife Beary, Berkeley Balcony Collapse Survivor
3. Adjourn in memory of Michelle Goh, Former Berkeley Resident

### City Auditor Comments:

The City Auditor noted that the equity benefits of Item 25 are a positive step, but that more funding is needed to improve citywide PCI rating.

### City Manager Comments:

The City Manager provided an update of the Reimagining Public Safety process related to Priority Dispatching, the Specialized Care Unit, and BerkDOT.

The City Manager also provided an update on the recruitment for Chief of Police.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Droste) to adopt a temporary rule to limit public comment to one minute to speaker.

**Vote:** All Ayes.

## Consent Calendar

- 1. Amendment: FY 2022 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,795-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.  
**Financial Implications:** See report.  
Contact: Rama Murty, Budget Office, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,795–N.S.
  
- 2. Modifying the 2022 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to account for religious and cultural holidays as determined by Resolution No. 70,066-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,177–N.S.
  
- 3. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.00.  
**Financial Implications:** See report.  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,178–N.S.
  
- 4. Extension of Declaration of Homeless Shelter Crisis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024  
**Financial Implications:** See report.  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,179–N.S.

## Consent Calendar

- 5. Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to administer Flexible Spending Programs for Mental Health Division (BMH) programs and to provide rental subsidies for the Russell Street Residence through June 30, 2022 in an amount not to exceed \$2,824,024. This will extend the existing contract by one year and add \$916,731 in funding.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,180–N.S.
  
- 6. Contract No. 32100026 Amendment: Resource Development Associates for Results Based Accountability Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32100026 with Resource Development Associates (RDA) to provide additional funding in the amount of \$220,800, and extend the time period for an evaluation of mental health programs across the division utilizing the Results Based Accountability (RBA) framework, for a total not to exceed amount of \$320,700 through June 30, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,181–N.S.
  
- 7. Contract with Options Recovery for Substance Use Disorder Services Co-location**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Options Recovery Services (Options) for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,182–N.S.



## Consent Calendar

- 8. Revenue Grant Agreement: Funding Support from the California Department of Public Health to Expand the Disease Intervention Specialist Workforce**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept grant funds from California Department of Public Health in the projected amount of \$465,736. This funding is to be utilized from July 1, 2021 through December 31, 2025 to expand the Disease Intervention Specialist (DIS) workforce to strengthen the public health capacity to mitigate the spread of sexually transmitted disease (STD), HIV, COVID-19 and other infections; and to execute the resultant revenue agreement, contract, and any amendments and extensions.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,183–N.S.
  
- 9. Revenue Grant Agreement: Funding Support from State of California Department of Justice to Design and Conduct a Program Evaluation of Programs Funded by the Sugar-Sweetened Beverage Tax**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to State of California, Department of Justice, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct program evaluation activities for the State of California, Department of Justice in the projected amount of \$19,000 for July 1, 2021 to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,184–N.S.

## Consent Calendar

**10. Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance:

1. Adding Section 7.72.095 to the Berkeley Municipal Code (BMC), incorporating additional membership criteria and health equity advisory responsibilities for the Sugar Sweetened Beverage Product Panel of Experts Commission (SSBPPE), and;
2. Repealing B.M.C. Sections 3.76.010-3.76.040 which established the Community Health Commission.

**Financial Implications:** See report.

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

**Action:** Moved to Action Calendar. 12 speakers. M/S/Failed (Droste/Robinson) to adopt the recommendation as written on the agenda.

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

**Action:** M/S/Carried (Harrison/Arreguin) to take no action on the City Council Referral to combine the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission, and to direct the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission to discuss how the work of the two commissions can be combined.

**Vote:** All Ayes.

Recess 8:40 p.m. – 8:51 p.m.

**11. Classification and Salary: Establish Limited Term Emergency Medical Technician**

**From: City Manager**

**Recommendation:** Adopt a Resolution to establish the represented classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,185–N.S.

**12. Classification and Salary: Establish Single Function Paramedic**

**From: City Manager**

**Recommendation:** Adopt a Resolution to establish the represented classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,186–N.S.

## Consent Calendar

- 13. Revise Classification and Salary: Emergency Medical Services Quality Improvement & Education Coordinator**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to revise the represented classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,187–N.S.
- 14. Revise the Classification and Increase the Salary Schedule for Deputy Finance Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Deputy Finance Director from a maximum monthly salary of \$14,677.47 to \$16,120.00 per month effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,188–N.S.
- 15. Recommendation to Increase the Salary Schedule for Director of Health, Housing & Community Services and Director of Parks, Recreation, & Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,967-N.S., Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical, to increase the salary of the Director of Health, Housing & Community Services from a maximum monthly salary of \$20,151.73. to \$21,432.00, per month and amending Resolution No. 70,107-N.S., Salary Adjustment for the Department Heads of Finance, Human Resources, Information Technology, Parks, Recreation and Waterfront, Planning, Public Works and Fire Chief, to increase the salary of Director of Parks, Recreation and Waterfront from a maximum monthly salary of \$20,987.00 to \$21,432.00 to align it with other City of Berkeley Department Heads.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,189 –N.S.

## Consent Calendar

### 16. Commission Reorganization: Creating the Environment and Climate Commission

**From: City Manager**

**Recommendation:**

1. Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.40 (formerly Zero Waste Commission) to create the Environment and Climate Commission (ECC).
2. Adopt a Resolution rescinding Resolution No. 55,661-N.S., establishing the Berkeley Energy Commission, and Resolution 58,997-N.S., establishing the Community Environmental Advisory Commission.

**Financial Implications:** See report.

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

**Action:** Moved to Action Calendar. 17 speakers. M/S/Failed (Droste/Kesarwani) to adopt the recommendation as written.

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

**Action:** M/S/Carried (Hahn/Taplin) to:

1) Adopt first reading of Ordinance No. 7,796–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Taplin to retain the Zero Waste Commission as a stand-alone entity, and further amended in Section 3.82.040.A. to read “The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience. Its scope will include work to advance the goals of advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; addressing the impacts and welfare of all species, including animals, insects, and plants; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice.” Second reading scheduled for February 8, 2022.

2) Adopted Resolution No. 70,190–N.S. as revised in Supplemental Communications Packet #2 from the Planning and Development Department to delay the effective date of the resolution.

**Vote:** All Ayes.

## Council Consent Items

**17. Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**

**From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.

Considerations for a Marina Master Plan for Parking should include: Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; and Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits.

**Financial Implications:** See report.

Contact: Rashmi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** Approved recommendation including revised material in Supplemental Communications Packet #1 from Councilmember Kesarwani.

## Council Consent Items

### 18. Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

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

**Recommendation:** Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:

(a) A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1. (b) A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1. (c) Consideration of expanding the goBerkeley parking program to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model. (d) Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs. (e) Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc. (f) A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** Approved recommendation including revised material in Supplemental Communications Packet #2 from Councilmember Kesarwani.

## Council Consent Items

- 19. Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects From: Councilmember Harrison (Author)**

**Recommendation:**

1. Refer to the June FY 23-24 budget process approximately \$1.4 to \$1.8 million in projected Transportation Network Company (TNC) User Tax General Fund revenue for FY 23 and FY 24, and the actual FY 2022 TNC Tax revenues (projected at \$576,786), toward the construction and maintenance of: i. Tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and ii. Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and iii. Priority quick-build public transit projects under the Street Repair Program.
2. Refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the Facilities, Infrastructure, Transportation, Environment, and Sustainability and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the priorities in Recommendation 1 to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

**Financial Implications:** See report.

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

**Action:** Councilmembers Hahn, Bartlett, and Taplin added as co-sponsors. Approved recommendation.

- 20. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, honoring the 49<sup>th</sup> anniversary of its passage and reiterating Berkeley's resolve to be a safe harbor for women asserting their constitutional right to access reproductive health and safe abortion services. It is essential that the City of Berkeley be a model for other cities and re-state their support for women to be able to exercise their constitutional rights and continue to have access to critical health care services, including abortion.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

**Action:** Adopted Resolution No. 70,191–N.S.

## Council Consent Items

21. **OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send the attached Resolution in opposition to the Net Energy Metering 3.0 Proposed Decision of the CPUC and supporting a Net Energy Metering Policy that continues to support the growth of local and rooftop solar to: Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Net Energy Metering (NEM) 3.0 decision issued by the CPUC on December 13, 2021 threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, interfering with Berkeley's and California's climate action and equity goals.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,192–N.S.

## Action Calendar – Public Hearings

22. **Selected Recreation and Camps Program Fee Increases**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion:  
1. Adopt a Resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 69,892-N.S. and all amendatory resolutions.  
2. Adopt a Resolution approving revised Policies and Procedures for Parks & Recreation Programs and Facilities, and rescinding Resolution No. 67,581-N.S. and all amendatory resolutions.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.  
**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,193–N.S.  
**Vote:** All Ayes.



## Action Calendar- Public Hearings

23. **Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**  
*(Continued from December 14, 2021. Item contains supplemental material)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 6 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Kesarwani/Taplin) to adopt first reading of Ordinance No. 7,797 –N.S. as submitted by the City Manager with the amendments included in Supplemental Communications Packet #1 from Councilmember Kesarwani and further amended with regards to the three-year rolling date for ADU conversions and the addition of balconies to prohibited projections. Second reading scheduled for February 8, 2022.

**Vote:** All Ayes.

24. **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 December 14, 2021. 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:** Item 24 moved to Consent Calendar for the purpose of continuing the public hearing to January 25, 2022 including supplemental materials submitted by Councilmember Droste and Councilmember Hahn.

## Action Calendar- New Business

- 25a. Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**  
**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  
**Action:** Item 25a, 25b, and 25c continued to January 25, 2022.
- 25b. Public Works Commission Recommendation for the Five-Year Paving Plan**  
**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:** Continued to January 25, 2022.
- 25c. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the July 13, 2021 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:** Continued to January 25, 2022.
- 26a. Adopt-a-Spot Program Development Recommendations**  
**From: Public Works Commission and Parks and Waterfront Commission**  
**Recommendation:** That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

## Action Calendar – New Business

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the Program Elements outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

**Budget Commitment** - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

**Program Design** - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),

**Reporting Structure** - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)

**Supporting Tools** - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

**Financial Implications:** See report.

Contact: Roger Miller, Commission Secretary, (510) 981-6700, Joe Enke, Commission Secretary, (510) 981-6300

**Action:** Moved to Consent Calendar. Amended the first paragraph of recommendation to read:

*That Council adopt a Resolution to support an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.*

Adopted Resolution No. 70,194–N.S. amended to delete the second resolved clause

## Action Calendar – New Business

and amend the first resolved clause as written below.

*NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley hereby adopts an expanded Adopt-a-Spot program and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.*

### 26b. Companion Report: Adopt A Spot Program Development Recommendations From: City Manager

**Recommendation:** Staff appreciates the thoughtful and important Parks and Waterfront and Public Works Commissions (Joint Commission Report) Adopt-a-Spot recommendation and recommends referring it to the FY2023-FY2024 budget process for consideration with other worthy requests.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Liam Garland, Public Works, (510) 981-6300

**Action:** Moved to Consent Calendar. Approved recommendation.

## Public Comment – Items Not Listed on the Agenda - 2 speakers.

## Adjournment

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

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

Councilmember Droste absent at 11:08 p.m.

Adjourned at 11:11 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 18, 2022.

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Mark Numainville  
City Clerk

## Communications

### 2021 Local Cannabis Policy Scorecard

1. Getting it Right from the Start

**BART Draft Environmental Impact Report**

- 2. David Brandon (2)
- 3. Leslie Valas
- 4. Claudia Valas
- 5. Rashi Kesarwani

**Brown Act Cure and Correct Demand Letter**

- 6. Berkeley Progressive Alliance

**Budget Review**

- 7. Marc Sapir

**Climate Equity Fund pilot RFP**

- 8. Candace Hyde-Wang

**Code Red Climate Event**

- 9. Lauren Weston

**COVID-19**

- 10. Gary Hicks
- 11. David Lerman (2)
- 12. Blair Beekman
- 13. Navarre Oaks

**Crime Suppression Unit**

- 14. Cheryl Davila
- 15. Brian Witt

**Elmwood Parking**

- 16. Ron Kelly
- 17. Fern Burch

**Emergency Shelter**

- 18. Elana Auerbach
- 19. Cheryl Davila

**Ferry Service**

- 20. Terry Mandel
- 21. Mz Suzanne Joi

**Golden Bear Inn**

- 22. Beth Gerstein (4)
- 23. Lee Bishop

**Gun Violence Crisis**

24. Moni Law

**Habitot Children's Museum**

25. Marjorie Tichenor

**HMIS Case Manager Assignments**

26. Omowale Fowles (2)

**Homeless Shelter Concerns**

27. quBit.ch@protonmail.com (3)

**Hopkins Corridor Project**

28. Donna DeDiemar

29. Garry Parrish

30. Jeffrey Kaplan (2)

**Infrastructure Survey**

31. Bob Flasher

**Interview Request**

32. Rebecca Smith

**Letters**

33. Blair Beekman

**Marin Avenue Traffic Safety**

34. Diana Damonte

35. Gina Rieger

36. Berkeley Path Wanderers Association

37. Farid Javandel

38. Janet Byron (2)

39. Susan Shimm

40. LJ Cranmer

41. LaTanya Bellow

**Mosquitos**

42. Josh Beth

**Newsletters**

43. Eden I&R (2)

44. Alameda County Mosquito Abatement District

45. Downtown Berkeley Association

**Nilang Gor**

46. Karen Rubio

**Parking (Spaces, Citations, Fees)**

- 47. Miriam Kasin
- 48. Danielle Adams
- 49. Dorothea Dorenz

**Pedestrian Push Buttons**

- 50. Walk Bike Berkeley

**Pedestrian Safety**

- 51. Margery Eriksson

**Plant-Based Food Purchase Plan**

- 52. Nancy Min Ji

**Plastic Bag Ordinance**

- 53. Similarly-worded form letters (91)

**Police**

- 54. John Lindsay-Poland
- 55. Mike Swenson
- 56. Blair Beekman

**Prop 68 Technical Assistance Program**

- 57. Jane Gray

**Recent City Council Agenda Items**

- 58. Blair Beekman

**Robert's Rules**

- 59. Kitt Saginor

**RV Parking**

- 60. Jeff Vincent
- 61. Claire Heinzelman
- 62. Charlene Washington

**Secure Justice Sues Berkeley, Again**

- 63. Jack Kurzweil

**Security Cameras**

- 64. Geoff Lomax

**SF Bay Area Crime**

- 65. Blair Beekman (3)

**Smoking Noncompliance**

- 66. Carol Denney

**Social Housing Pilot Study**

67. Ryan Andresen

**Solar Energy**

68. Igor Tregub

69. Blair Beekman

**State Housing Bills**

70. Margot Smith

**Support for Budget Referrals**

71. Sierra Club

**Surveillance State**

72. Steve Martinot

**Traffic Enforcement**

73. David Lerman

74. Elisa Mikiten

**Transient Occupancy Tax**

75. Charles Koppelman

**Tree Removal**

76. Jenny Franco

77. Urban Forestry Staff

**Upcoming Meetings**

78. East Bay Community Energy (2)

**URLs Only**

79. Vivian Warkentin (3)

**Vision Zero in West Berkeley**

80. Similarly-worded form letters (3)

**Violation of Sanctuary Contracting Ordinance**

81. Elana Auerbach

**Supplemental Communications and Reports 1**

**Item 17: Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**

82. Revised material, submitted by Councilmember Kesarwani

83. Jim McGrath



**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

84. Supplemental material, submitted by Councilmember Kesarwani

**Supplemental Communications and Reports 2**

**Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

85. Martin Bourque

86. Sheila Goldmacher

87. Cindy Shamban

88. Diana Bohn

89. Holly Scheider, Sugar-Sweetened Beverage Panel of Experts Commission

90. Peter Hosemann

**Item 16: Commission Reorganization: Creating the Environment and Climate Commission**

91. Revised material, submitted by Planning and Development Department

92. Supplemental material, submitted by Councilmember Taplin

93. Alfred Twu

94. Martin Bourque (see #85)

95. Cindy Shamban (see #87)

96. Max Wechsler

97. Annette Poliwka

**Item 17: Referral to the City Manager to Establish a Marine Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**

98. Jim McGrath

**Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts**

99. Revised material, submitted by Councilmember Kesarwani

**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

100. Debra Sanderson, on behalf of the ADU Task Force (East Bay)

101. Bryce Nesbit

**Item 24: 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**

102. Supplemental Material, submitted by Councilmember Droste

103. Supplemental Material, submitted by Councilmember Hahn

104. Debra Sanderson, on behalf of the ADU Task Force (East Bay) (See #100)

105. Mary Ann Wenger

106. Jan Knecht

107. Jonathan Bailey

- 108. John Lawrence
- 109. Hans Jones
- 110. George Porter
- 111. Dale Rose

**Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 112. Ellen Archilla
- 113. Terry Nicol
- 114. Jay Harlow
- 115. John Rice
- 116. Fran Haselsteiner
- 117. Mary Lee Noonan
- 118. Kenneth Worthy
- 119. Paku Khan
- 120. Ray Yep
- 121. Penny Baron
- 122. Joan Lester
- 123. Leah & John Rosenthal
- 124. E Souders
- 125. Orville Schell
- 126. Jean Walrand
- 127. Noah Nelson
- 128. David Ritvo
- 129. Anthony & Judy Lepire
- 130. Frederic Fierstein
- 131. Rod Richardson
- 132. Emily Fox
- 133. John Harris
- 134. Isaac Pastor-Chermak
- 135. Sybil Hatch
- 136. Jo Ann Driscoll
- 137. Suzanne Stephens
- 138. Ann Campbell
- 139. Mitch Cohen
- 140. Ceara Brencic
- 141. Eric Broque
- 142. Patsy Slater
- 143. Sean Lincoln
- 144. Bob Flasher
- 145. Paul Litsky
- 146. Jonathan Francis
- 147. John Hitchen
- 148. Nicole Chabot
- 149. Jayson Elliot
- 150. Mark Lee
- 151. Talya Brettler
- 152. Gary Miguel

- 153. Craig Fendel
- 154. Wendy Alfsen

**Item 26a: Adopt-a-Spot Program Development Recommendations**

- 155. Taylor Rein
- 156. Leo Bookey
- 157. Wendy Alfsen
- 158. Cindy Shamban
- 159. John Steere, Berkeley Partners for Parks
- 160. Sally Hughes

**Supplemental Communications and Reports 3**

**Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

- 161. Karma Smart
- 162. Tobey Wiebe

**Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts**

- 163. Elana Auerbach

**Item 21: OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local Rooftop Solar**

- 164. Igor Tregub (2)

**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

- 165. Presentation, Planning & Development Department
- 166. Debra Sanderson (2)
- 167. Henry DeNero
- 168. George Porter (2)

**Item 24: 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**

- 169. Bob Flasher
- 170. Nancy Rader

**Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 171. Elana Auerbach
- 172. MA Morgan
- 173. Doris Nassiry
- 174. Paul Rauber

- 175. Diana Wood
- 176. Katie Johnson
- 177. Pamela Michaud
- 178. Maren Bell
- 179. John Gilmore
- 180. Charles Clarke
- 181. Ken Berland
- 182. Chimey Lee
- 183. Robert Dering
- 184. Kristina Feller

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JANUARY 20, 2022

4:00 P.M.

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.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 841 6313 1789. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:07 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:15 p.m.

**Public Comment - Limited to items on this agenda only** – 0 speakers

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Case Name: GTE Mobilnet of California Limited Partnership v. City of Berkeley  
Case Number: 4:20-cv-05460-DMR

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:46 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on January 20, 2022.

---

Mark Numainville, City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Thursday, January 20, 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**

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 853 8293 9746. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*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:** 6:05 p.m.

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

**Absent:** Droste

Councilmember Droste present at 6:14 p.m.

## Worksession

### 1. Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)

**From:** City Manager

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from Mayor Arreguin on Item 1.

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

**Action:** 24 speakers. M/S/C (Arreguin/Harrison) to provide direction to the City Manager on infrastructure revenue measure(s) development as follows:

- Timing: November 2022
- Number of Measures: One Bond (several areas), or Bond (Affordable Housing) and Parcel Tax (Streets and Infrastructure)
- Priorities: Streets (pedestrian safety/sidewalks & bike safety, traffic safety, and complete streets); Affordable Housing; Climate (including climate mitigation and resilience, Storm Drains, Undergrounding); Public Facilities (Civic Center, Waterfront, Parks)
- Dollar Amount: Range from \$350 – \$600 million

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:46 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None



## **Supplemental Communications and Reports 2**

**Item 1: Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)**

1. David Lerman
2. John Rice

## **Supplemental Communications and Reports 3**

**Item 1: Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)**

3. Supplemental material, submitted by Mayor Arreguin
4. Barbara Gilbert
5. Councilmember Harrison

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JANUARY 25, 2022

4:00 P.M.

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**

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## Preliminary Matters

**Roll Call:** 4:04 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 4:09 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

*a. Workers Compensation Appeals Board Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.*

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

**Vote:** All Ayes.

### 2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

**Action:** No reportable action taken.

## OPEN SESSION:

City Council met in closed session on January 25, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

## Adjournment

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

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

Adjourned at 4:44 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on January 25, 2022.

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Mark Numainville, City Clerk

**MINUTES**  
**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:** 6:04 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:06 p.m.

## Report from Closed Session

City Council met in closed session on January 25, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

## Ceremonial Matters:

1. Adjourned the meeting in memory of Fred Harvey, Local Activist
2. Adjourned the meeting in memory of Judy Holland, Berkeley Resident

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Councilmember Taplin on Item 12.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to adopt a temporary rule to limit public comment to one minute per speaker.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## 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

**Action:** Approved the minutes as submitted.

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

**Action:** Adopted Resolution No. 70,195–N.S.

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

**Action:** Adopted Resolution No. 70,196–N.S.

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

**Action:** Adopted Resolution No. 70,197–N.S.

## 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  
**Action:** Adopted Resolution No. 70,198–N.S.
  
- 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  
**Action:** Adopted Resolution No. 70,199–N.S.



## Consent Calendar

- 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  
**Action:** Adopt first reading of Ordinance No.7,798–N.S. Second reading scheduled for February 8, 2022. Adopted Resolution No. 70,200–N.S.
- 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  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,201–N.S.
- 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  
**Action:** Adopted Resolution No. 70,202–N.S.
- 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  
**Action:** Adopted Resolution No. 70,203–N.S.

## Council Consent Items

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:** Approved recommendation.

## 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 – Continued 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:** Moved to Consent Calendar. Item 12 continued to March 22, 2022 including supplemental material submitted by Councilmember Taplin.

## 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  
**Action:** 13 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,204–N.S. updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan Equity Alternative amended to approve the first three years of the plan, including the equity component, and with the condition that the criteria in this plan will not govern the allocation of funds from potential future ballot measures. Further, staff will return to Council in January 2024 with updates to the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan Equity Alternative.  
**Vote:** All Ayes.
- 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:** See action on item Aa.

## 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:** See action on item Aa.

## 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.*

## Action Calendar – Public Hearings

- 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:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Public Testimony:** The Mayor opened the public hearing. 37 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:30 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:40 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:45 a.m.

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

**Action:** M/S/C (Kesarwani/Droste) to adopt the minimum requirements in state law with the fire safety proposals in supplemental materials submitted by Councilmember Droste, including the provisions adopted in Ordinance 7,797-N.S. adopted on January 18, 2022, and apply the requirements to the Hillside Overlay.

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

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:50 a.m.

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

## Action Calendar – Public Hearings

**Action:** M/S/C (Bartlett/Robinson) to reconsider the motion previously adopted regarding the Accessory Dwelling Unit ordinance amendments to address public safety concerns.

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

**Action:** M/S/Failed (Kesarwani/Droste) to adopt the minimum requirements in state law with the fire safety proposals in supplemental materials submitted by Councilmember Droste, including the provisions adopted in Ordinance 7,797-N.S. adopted on January 18, 2022, and apply the requirements to the Hillside Overlay.

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

**Action:** M/S/Carried (Hahn/Harrison) to adopt first reading of Ordinance No. 7,799 as submitted in the revised material submitted jointly by Councilmembers Hahn and Wengraf, including the fire safety requirements submitted by Councilmember Droste and provisions contained in Ordinance 7,797-N.S. adopted on January 18, 2022, and amended to modify the footnote regarding side and rear setbacks with authority granted to staff to insert the correct code reference. Second reading scheduled for February 8, 2022. Further, refer Councilmember Droste’s supplemental materials to the City Manager for consideration.

**Vote:** All Ayes.

## Action Calendar – New Business

### 13. COVID-19 Response 2021 Summary Report

**From:** City Manager

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

**Action:** 10 speakers. Presentation made and discussion held.

Recess 8:12 p.m. – 8:22 p.m.

## Information Reports

### 14. LPO NOD: 2212 Fifth Street/#LMIN2021-0001

**From:** City Manager

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

**Action:** Received and filed.

### 15. LPO NOD: 1120 Second Street/#LMSA2021-0001

**From:** City Manager

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

**Action:** Received and filed.

## Information Reports

16. **LPO NOD: 1325 Arch Street/#LMIN2020-0008**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
17. **LPO NOD: 1960 University Avenue/#LMSA2021-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

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

## Adjournment

Adjourned at 12:50 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 25, 2022.

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Mark Numainville  
City Clerk

## Communications

### 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**

**Item 11: Referring the Civic Arts Commission's affordable housing for artist in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**

- 24. Kathryn Reasoner



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

24. Antonia Nunez

**Item 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**

- 24. Supplemental material, submitted by Councilmember Hahn
- 25. Supplemental material, submitted by Councilmember Wengraf
- 26. Lisa Bruce
- 27. Steven Segal
- 28. Lisa and Tim Goodman
- 29. Mary Ann Wenger
- 30. Christine Rosen
- 31. Johnathan Bailey
- 32. Alexa Gregory
- 33. Andrea Kean
- 34. Paul Newacheck
- 35. Joan Grant
- 36. Susan Orbuch
- 37. Mary Canavan
- 38. Micky Duxbury
- 39. BSF Home
- 40. William Seidel
- 41. Rafa Sonnenfeld, on behalf of Yimby Law
- 42. Ellen Jones
- 43. Steve Scholl
- 44. Renee Goldstein & George Roemer
- 45. Betsy Bigelow-Teller
- 46. Sue Jones
- 47. Tobey Wiebe
- 48. Linda Press Wulf
- 49. Marilyn Kwock
- 50. Mary Lou Van Deventer
- 51. David Hollinger
- 52. Doris Nassiry
- 53. Harald Leventhal

**Supplemental Communications and Reports 3**

**Item 11: Referring the Civic Arts Commission's affordable housing for artist in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**

- 56. Wyndy Knox Carr
- 57. Verna Lim

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

58. Charles Clark

**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**

59. Supplemental material, submitted by Councilmember Taplin

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

60. Presentation, Public Works Department

61. Jenny Wenk

62. Richard Fish

**Item 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**

63. Presentation, Planning and Development Department

64. Jonathan Bailey

65. Ann Rogers

66. Brian Gilbane

67. Margaret Webster

68. Penny and Bill Barron

69. Stefanie and William Guynn

70. Margot Smith

71. Carol Hirth

72. Erica Stone

73. Bill Pottinger

74. David Bilder

75. Marcia Diaz

76. Mary Louise Zernicke

77. Cornelia Levine

78. Eric Bjerkholt

79. Bruce Stangeland

80. Shirley Dean

81. Nicole Chabot

82. Patricia Wilson

83. Margaretta Mitchell

84. Helen Kravetzky

85. Mark kay Duggan

86. Jennifer Hernandez

87. Stan Goldberg

88. Charlene Woodcock

89. Daniella Thompson

90. Dahlia Armon

91. Marsha Gardner

92. Barbara Schick

93. Susan Scherer

94. Gina Rieger

95. Claudia Deering

96. Kathleen Haberer and Kenneth Yip

97. John and Donna Schneider

98. Jan Knecht
99. Michael Katz
100. Councilmember Hahn
101. Susan Halpern
102. Susan Nunes Fadley
103. Lucinda Olney
104. Chris McKee
105. David Shiver
106. Ednah Beth Friedman
107. Ellen Greenblatt
108. David Ritvo
109. Sybil Hatch
110. Nancy Gillette
111. Deb Shell and JP Bedoya
112. Ann Hughes
113. Jane Fulton Suri
114. Louise Palmer
115. Alicia Telford
116. Diane WS
117. Frederique Wynberg
118. Michael Thouati
119. Eli Gilad
120. Elaine Chan
121. Bill Smoot
122. Alyse Ritvo
123. Gail Machlis
124. Steven
125. John Blaustein and Terry Pink Alexander
126. Victor Kley
127. Lauren and David Moore
128. Robin Hollenberg
129. Karen Chernoff
130. Sarah Liu
131. Beatriz Manz
132. I Turiel
133. Catherine Trimbur
134. Gary Forbes
135. Carolyn West
136. Marjorie Fletcher
137. Linda Deaktor
138. Laura Louis
139. Hilary Worthen
140. Kaethe Weingarten
141. Barbara Davis
142. Mary Stapleton
143. Henry Lerner

144. Andrew Bestwick
145. Leah and John Rosenthal
146. Karen Weil
147. Gareth Ellis
148. Jana Olson
149. Eric Rakowski
150. Ann Krooth
151. Diana Malin
152. Francisco Santamarina
153. Jenny Wenk
154. Naomi Pearce
155. Yen Trac
156. Ellen Archilla
157. Monica Vazirani
158. Sarah Herr
159. Ellen Goldblatt
160. Kori Kody
161. Kathleen Weaver
162. Chris Cullander
163. Joan Hart
164. Rod Richardson
165. Robert Hester
166. Carolyn
167. Kathy Wade
168. Watson Ladd
169. Alison LaBonte
170. JH Frisk
171. Phyllis Orrick
172. Donna Graves
173. Jon Kaner (2)
174. Susan Lea
175. Lynn Glaser
176. Stefano DellaVigna
177. Rachel Bradley
178. Diana Bohn
179. Kathy Skrainer
180. Sara Knight
181. Shelley Golomb
182. Grant Cutler
183. James Nelson
184. Ellen Matthews
185. Mark and Lisa Follman
186. Helene Silverberg
187. Janos Kirz
188. Nancy Viebrock
189. David Rouslin

190. Richard Collier
191. Victoria Kahn
192. Joan Primeau
193. Helen Marcus
194. Margaret Mancuso
195. Phyllis Ritvo
196. David Jung
197. Judith Baker
198. Flora Lewis
199. Joan Garvin
200. Benjamin Kadish
201. Adam Rogers
202. Chris Lee-Egan
203. James Jones
204. Sean
205. Mary Frank
206. Lloyd Elliot
207. Daniel Robbins
208. Maria Riddle
209. Helene Vilett
210. Firouzeh Nourzad
211. Karina Epperlein
212. Gloria Schild
213. Nancy Lemon
214. D.B
215. Bhima Sheridan
216. Ivan and Sarah Diamond
217. Colleen Neff
218. Joan Wager
219. Richard Chambers
220. Salim
221. Katherine Eckhouse
222. Kathleen Metz
223. Craig Peterson
224. Laura Ide
225. Lisba Fowler
226. Priscilla Myrick and Thomas Cutillo
227. Sandra Schlesinger
228. Ian Wulfson
229. Brenda Dawson Dove
230. Mary Staats
231. Kerna Trottier
232. Gertrude Weil
233. Ann Pardee
234. Pam Valois
235. Elizabeth Hawk

236. Susan
237. George Porter
238. Mary Lee Noonan
239. Terry Mandel
240. Lisa and Tim Goodman
241. Mary and Rick Thomas
242. Mary Louise Gifford
243. Dale Rose
244. Stephen Morris
245. Bronya Feldmann
246. Jennifer Chatman and Russel Barnett
247. Alex Takaoka
248. Diana Damonte
249. Nadia Le Bon
250. Fred Bamber
251. Henry DeNero, on behalf of the Hillside Association of Berkeley
252. Bami Greene
253. Barbara Floyd
254. Aviv Nitsan
255. Bohun Kinloch
256. Valeria Gilbert-Perens
257. Sara Cox
258. Susan and Paul Opsvig
259. Gary Miguel
260. Jerry Skrainer
261. Alfred
262. John Geary
263. Ellen Hahn
264. Mike Ely
265. ADU Task Force (East Bay)
266. Robin Kibby
267. Fred Schlachter
268. Janice Murota
269. Alison Lingo
270. Lauren
271. Jackie Stastny
272. Bridgett Shank
273. Juliet Lamont and Phil Price
274. David Donovan
275. Susan Frankel
276. Yoej Kahn
277. Seth Seidel
278. Priscilla Birge
279. Elizabeth Fulton
280. Moe Wright
281. Milo Trauss

282. Marilyn Pollack
283. Ellen Meltzer
284. Jan de Vries
285. Brendan Willerford
286. Carmen de Monteflores
287. Rachel Bogard
288. Ellen Gorman Winters
289. Paul Casperson
290. Toni Mester
291. Candace Falk
292. Bill Sherer
293. Carol and Tony Henning
294. Caroline Winnett
295. Patrick Sheahan
296. Karen Bowen
297. Sonia Wichmann
298. Vikram Sridharan (2)
299. Martha Wing
300. Craig Griffin
301. Huma Dar
302. Dr. Banuett
303. Sandeer Seepersad
304. Michael Cassidy
305. Davina, on behalf of the Associated Students of the University of California
306. Dylan Casey, on behalf of California Renters Legal Advocacy and Education Fund
307. Sheryl Drinkwater
308. V. Sommer
309. Elizabeth Snowden
310. Sarah Miyazaki
311. Sean Lai McMahan
312. Barbara Cohn
313. Grayson Peters
314. Jared Harris
315. Regina Stefaniak
316. Madeline Feingold
317. Deborah Reade
318. Wesley Tam
319. Warren Wells
320. Charles Noyes
321. Michael Farrell
322. Kathy and Michael Scandling (2)
323. Lee Bishop
324. Audrey Richards
325. Dustin Swonder

326. Joan Zweben
327. Dorothy Walker
328. Beth Feingold
329. Rose Ellen Morrell
330. Kate and Daniel Funk
331. Alyse Jacobson
332. Colleen Busch
333. Patrice Ignelzi
334. Clifford Fred
335. Nomi Harris
336. Joan and David Hollinger
337. Ed Vine
338. Hilary Read
339. Peggy Mendelson
340. Pauline Mohr
341. Barryett Enge
342. Robert and Suzanne Stephens
343. Colleen Boyle
344. Lynn Glenfield
345. Vivian Fendel
346. Craig Fendel
347. Anna Urrea
348. Karen Fagerstrom
349. Phyllis Steiber
350. Scott McCreary
351. Sheila Jordan
352. Michael Walden and Judith Schelly
353. S. Entwistle
354. Sarah Bell
355. Jose Luis Bedolla
356. Lee Ann Weber
357. Becca Schonberg
358. Sowmya Swaminathan (2)
359. Ellen Barth
360. Barbara Gilbert
361. Robin
362. Katinka Wyle
363. Ken Frenkel
364. Karen Branson
365. May Palmer-Seltzer
366. Jason Rubin
367. Susan Aumiller
368. Susan and Schuyler Bailey
369. Linda Twilling and Basil Boutris
370. Supannika Rongsopa
371. Antonia Frankhuijzen



- 372. newattitudes@gmail.com
- 373. Salma Elmallah
- 374. Matthew Lewis
- 375. Carol Stone
- 376. Lenore Dolin
- 377. Shawn Drost
- 378. Joel
- 379. Joaquin Carbonell IV
- 380. John and Nancy Lawrence
- 381. David Nasatir
- 382. Martha Rabkin
- 383. Lauren Walker
- 384. Kendra Levine
- 385. Allison Banks
- 386. David Chaney
- 387. Marca Brown-Machen
- 388. B.A. Smith
- 389. Brenda Shank
- 390. Susan Brand
- 391. Isaac Pastor-Chermak
- 392. Sarah Clegg
- 393. Mark
- 394. Leslie Dixon

**Item 13: COVID-19 Response 2021 Summary Report**

- 395. Presentation, City Manager

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Thursday, January 27, 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/86896416355>. 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: 868 9641 6355. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

**Roll Call:** 6:02 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:15 p.m.

## Worksession

### 1. **Tenant Opportunity to Purchase Act, Adding B.M.C. Chapter 13.89**

**From:** Mayor Arreguin

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** 78 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes

Adjourned at 10:49 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item 1: **Tenant Opportunity to Purchase Act, Adding B.M.C Chapter 13.89**

1. Similarly-worded form letters (44)
2. Christine Crane
3. Bhima Sheridan
4. Ross Simkover
5. Llona Clark
6. Ceceilia Lunaparra, on behalf of Cal Berkeley Democrats
7. Diana Bohn
8. Olivia Kehoe, on behalf of Berkeley Student Cooperative
9. Llaf Esuf, on behalf of United Way Bay Area
10. Bee Coleman, on behalf of East Bay Permanent Real Estate Cooperative
11. Wilhelmenia Wilson, on behalf of Healthy Black Families, Inc.

12. Samantha Warren, on behalf of Associated Students of the University of California
13. Louise Rosenkratz
14. Emily Wheeler, on behalf of Public Advocates
15. Rosina
16. Alex Sharenko
17. glomax@lmi.net
18. Sophia

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

#### **Item 1: Tenant Opportunity to Purchase Act, Adding B.M.C Chapter 13.89**

19. Presentation, submitted by Mayor Arreguin
20. 31 similarly-worded form letters (Yes)
21. 7 similarly-worded form letters (Benefit lawyers)
22. 8 similarly-worded form letters (Hurt)
23. Chris Schildt
24. Kim Markison
25. Jayson Collard
26. Alameda County Democratic Party
27. Andrea Mullarkey
28. Darryl Ross-Ragland
29. Emma Heinichen, on behalf of Zacks, Freedman & Patterson, PC
30. Obaid Khan
31. Susan Knight
32. Dale Smith
33. Jeffrey Melcher
34. Sasha Futran
35. Bushra Khan
36. Barbara Schick
37. Sierra Club Northern Alameda County Group
38. Sylvia Young
39. Nico Calavita
40. Roger Hallsten
41. Andrea Gordon
42. Pamela Drake
43. Ken Berland
44. Todd Andrew
45. CADEM Renters Council
46. Ruben Hernandez Story, on behalf of East Bay Young Democrats
47. Charles Clarke
48. Yingying Wei
49. Greg Jan
50. Erik Dreher
51. Berkeley Tenants Union
52. Keith Sjolholm
53. Mechelle
54. Chris Cohn
55. Mary Weissman

56. Keith Ray
57. Andrew Jeffries and Ellen McDonald
58. Betsy Morris, on behalf of the Berkeley-East Bay Gray Panthers
59. Dale Rose
60. Robert Zucker
61. Cassandra Adams
62. Elsa Ramos
63. Sophia DeWitt, on behalf of East Bay Housing Organization
64. Evita Chavez, on behalf of the Partnership for the Bay's Future
65. taptango@
66. Kiran Shenoy
67. Michael Trujillo, on behalf of the East Bay Community Law Center
68. Steve Pelly
69. North Berkeley Cottage
70. Celia Karian
71. Rasheedah Phillips, on behalf of PolicyLink
72. Eleanor Muhlstein
73. Paul Mathew
74. Geoff Lomax
75. Toni Mester
76. Richard Buss
77. Henry DeMarco
78. Barbara Gilbert (2)
79. Renee Good
80. Sarah Davis
81. Fran Haselsteiner

