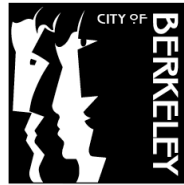


AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 22, 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/85474741619>. 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: **854 7474 1619**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

1. Presentation by the Anti-Eviction Mapping Project
2. Presentation on Seismic Retrofits for Civic Center Buildings

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

- 1. Lease Agreement with NFS Unlimited, LLC for Skates-on-the-Bay**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,802-N.S. authorizing the City Manager to execute the attached ground lease with NFS Unlimited, LLC, the owner/lessee of Skates-on-the-Bay at the Berkeley Waterfront for a 10-year term with 2 additional options to extend for 5 years each, effective from May 1, 2022.
First Reading Vote: All Ayes.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. 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, December 14, 2021, January 10, 2022, February 8, 2022, and March 8, 2022.
Financial Implications: To be determined.
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 3. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, November 9, 2021, December 14, 2021, and February 8, 2022.
Financial Implications: To be determined.
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of February 8 (regular), February 15 (closed and special), February 18 (closed), February 22 (regular) and February 24 (closed).

Financial Implications: None

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

5. Amendment to the Berkeley Revolving Loan Fund Administrative Plan to allow management of the COVID-19 Resiliency Loan Program (RLP) by Working Solutions, a certified Community Development Financial Institution; Authorize a \$60,000 contract with Working Solutions to provide technical assistance and small business support to Berkeley's RLP participants

From: City Manager

Recommendation: Adopt two Resolutions:

1. Approving changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to allow for third party administration of the COVID-19 Resiliency Loan Program (RLP).

2. Authorizing the City Manager to execute a sole source contract and any amendments with Working Solutions, a certified Community Development Financial Institution, not to exceed \$60,000 of ARPA funds to provide additional small business support and technical assistance to Berkeley's RLP participants for the period beginning March 31, 2022 through the five-year term of the RLP loan repayments (anticipated ending date December 31, 2027).

Financial Implications: See report.

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022

From: City Manager

Recommendation: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022

Financial Implications: \$12,952,000

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

7. Donation of Fire Apparatus and Equipment

From: City Manager

Recommendation: Adopt a Resolution donating a surplus fire truck, Auto 910 and equipment, to the Livermore Pleasanton Department.

Financial Implications: See report.

Contact: Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 8. Contract: Pinnacle for Occupational Physicals**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) for occupational health and pre-employment medical examinations including cancer and cardiac screening for firefighters, paramedics, emergency medical technicians, police officers and other designated staff through March 22, 2026 in an amount not to exceed \$325,000 per fiscal year with an option to extend for three additional two-year terms, for a total ten-year potential contract not to exceed \$3,250,000.
Financial Implications: See report.
Contact: Abe Roman, Fire, (510) 981-3473
- 9. Contract: Interior Motions for HHCS Public Health Division Furniture**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$100,000 for the period January 1, 2022 through December 30, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract No. 32100178 Amendment: California Mental Health Services Authority Help@Hand Participation Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an Amendment to the Help@Hand Participation Agreement with the California Mental Health Services Authority (CalMHSA) (Contract No.32100178) to increase the amount of funding by \$140,800 for a total amount not to exceed \$541,715 through June 30, 2024, and any amendments.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Revenue Contract: Alameda County Behavioral Health Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a revenue contract amendment with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement, with an Effective Date of July 1, 2021.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

12. Increase Taxi Scrip Window Daily Cash Redemption Limit

From: City Manager

Recommendation: Adopt a Resolution authorizing Berkeley Rides for Seniors & the Disabled (BRSD) to increase the Taxi Scrip Window daily cash redemption limit from \$800 to \$1,000, one day per week.

Financial Implications: See report.

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

13. Amending Berkeley Municipal Code (BMC) Chapter 12.70 Sections 12.70.031 and 12.70.050A.1 to align with State and Local Laws

From: City Manager

Recommendation: Staff recommends the City Council adopt the reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 12.70 Smoking Pollution Control to incorporate two changes:

- 1) Amending BMC 12.70.030 to replace the outdated term “Dispensary” with “Cannabis Retailer” in order to align with the State’s Medicinal and Adult-Use of Cannabis Safety and Regulation Act (MAUCSRA); and
- 2) Revise BMC Chapter 12.70.050.A.1 to clarify that smoking tobacco is allowed at a tobacco retailer, and smoking cannabis is allowable at a Cannabis Retailer, subject to Council-approved BMC Sections 23.320.020.F.2, 12.21.020.U, V, and Y, and 12.22.040.F.2 allowing “Cannabis Lounges”.

Financial Implications: None

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

14. Amendments to On-Call Architectural Services Contract No. 31900137 (ELS Architecture and Urban Design), Contract No. 31900155 (Siegel & Strain Architects), and Contract No. 31900131 (Noll & Tam Architects)

From: City Manager

Recommendation: Adopt Resolutions authorizing the City Manager to:

1. Execute an amendment to Contract No. 31900137 for ELS Architecture and Urban Design increasing the contract amount by \$900,000; and
2. Execute amendments to Contract No. 31900155 for Siegel & Strain Architects, and Contract No. 31900131 for Noll & Tam Architects by increasing the contract amount by \$900,000 each and duration by 9 months each, from June 30, 2022 to March 31, 2023.

Financial Implications: See report.

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

Consent Calendar

- 15. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Fifteen Ford Interceptor Utility Hybrid Vehicles**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for fifteen (15) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$765,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Three Electric Vehicle Ford Pickup Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for three (3) Electric Vehicle Ford Pickup Trucks with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$135,000.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Contract No. 112725-1 Du-All Safety, LLC for Safety Consulting and Training Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112725-1 with Du-All Safety, LLC for continued safety training and consulting services up to \$100,000 for a total contract amount not to exceed \$400,000, and to extend the contract term through December 31, 2025.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 18. Contract No. 32100122 Amendment: Silao General Engineering for Site Improvements Project at 125/127 University Avenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100122 with Silao General Engineering, Inc. to complete the parking lot site improvements at 125/127 University Avenue increasing the current contract amount of \$192,946.60 by \$85,000.00 for a total amount not-to-exceed of \$277,947.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 19. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,400,000, and extending the term of the contract to June 30, 2023.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 20. Contract No. 31900094 Amendment: West Yost for On-Call Civil Engineering Services for the Sanitary Sewer Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900094 with West Yost Associates (West Yost) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,200,000, and extending the term of the contract to June 30, 2023.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 21. Contract No. 090342-1 Amendment: Waste Management of Alameda County for Landfill Disposal Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the City's existing Contract No. 090342-1 with Waste Management, Inc. of Alameda County for Landfill Disposal Services through December 31, 2026 by increasing the Not to Exceed amount from \$32,740,168 to \$45,545,780.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 22. Fiscal Year 2023 Street Lighting Assessments – Initiating Proceedings**
From: City Manager
Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer's Reports.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

23. **Vacancies on Commission on Disability**

From: Commission on Disability

Recommendation: Appoint new members to fill vacancies on the Commission on Disability from District 3, District 4, District 5, District 6, District 7, and Mayor Jesse Arreguin

Financial Implications: None

Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300

Consent Calendar

24. **Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations**

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) recommends that the City Council define the location of those areas in Berkeley in which residents are at high risk due to public safety considerations and use this information to help guide the Housing Element process so that greater density and development in those areas is avoided to the extent reasonably possible. These areas include:

1. Fire Zones 2 and 3 with narrow (26 feet or less in width), winding streets, or those with “pinch-points” that do not allow emergency vehicle access and safe evacuation routes for residents in the event of a wildfire; and

2. Locations within the Alquist-Priolo (Hayward Fault) Earthquake Zone identified by the California Geological Survey; and

3. Locations within the Liquefaction or Landslide Zones identified by the California Geological Survey and areas associated with creeks, above and underground and subject to the impacts of Sea Level Rise. A. Establish a Priority: The DFSC requests that the identification process begin with items 1 and 2 listed above. State legislation mandating increased development in these areas is effective January 1, 2022, and the identification of the boundaries of areas where residents are at high risk in Berkeley should be completed prior to that date. Item 3 is also important, but as a practical matter, it may take longer to review. Therefore, completing identification may have to be done in steps over time. An additional consideration in giving priority at this time to areas affected by fire is that we are now in the “traditional” wildfire season with the clear statewide warning that today’s wildfires are both more frequent and intense and are being fueled by the State’s continued severe drought with no relief in the foreseeable future. B. Establish an Easy-to-Understand Map Format: The DFSC requests that the identification information presented be in an easy-to-understand map format that is available to the public and kept in an up-to-date format as the process progresses. This format should; within technical capability, clearly identify streets that are boundaries to the public safety areas. The California Geological Survey already maintains property-specific maps that address Items 1 and 2 above. The DFSC requests that the City produce similar maps for the other hazardous areas as they are identified. C. Need for Timely Action: The Council has recently taken action to indicate their intent to begin a process to complete the State required new Housing Element for the City’s General Plan. Establishing high-risk public safety areas is a foundational tool in the work that needs to be done to complete a new Housing Element. D. Provides an Opportunity to Inform the Public: Defining high-risk public safety zones not only informs residents about the nature of the risks but encourages individuals and groups to be part of the effort to reduce those risks.

Financial Implications: See report.

Contact: Keith May, Commission Secretary, (510) 981-3473

Consent Calendar

- 25. Letter of Support for Budget Referral: South Sailing Basin Dredging**
From: Parks and Waterfront Commission
Recommendation: Send the attached Letter of Support for Budget Referral: South Sailing Basin Dredging to be added to the scope of the project for the study of dredging the main channel.
Financial Implications: See report.
Contact: Roger Miller, Commission Secretary, (510) 981-6700
- 26. Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting**
From: Parks and Waterfront Commission
Recommendation: Send the attached Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting.
Financial Implications: See report.
Contact: Roger Miller, Commission Secretary, (510) 981-6700
- 27. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.
Financial Implications: None
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 28. Support for AB-2053 (Social Housing Act)**
From: Councilmember Taplin (Author)
Recommendation: Send a letter in support of Assembly Bill 2053 to the state legislature.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 29. Support for AB-2336**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Send a letter of support for Assembly Bill 2336: Speed Safety System Pilot Program.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 30. Support for AB-2713**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Send a letter of Support for Assembly Bill 2713: Rent caps
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 31. Budget Referral: West Berkeley Transportation Plan**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refer \$300,000 to the FY23-24 budget process for the hiring of a consultant to conduct a study and draft a comprehensive plan for transportation in West Berkeley through 2050.
Financial Implications: \$300,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

32. **Budget Referral: Berkeley Reparations – Funding for a Consultant to Facilitate Community Process to Design and Implement a Local Reparations Plan**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$350,000 to fund a Consultant to develop policy recommendations for reparations in Berkeley. These recommendations will address the economic injury and intergenerational trauma experienced by Berkeley’s descendants of slavery and the ongoing harm caused to all African Americans by systems that uphold the legacy of segregation. The Consultant will design a process to develop short, medium, and long-term recommendations for reparation policies in Berkeley designed to promote the creation of generational wealth and boost economic mobility, and opportunity in Berkeley’s African American community. 1. Inform. The Consultant should hold a series of educational events, truth-telling symposiums, sessions, and community gatherings on Berkeley’s history. The Consultant should engage a myriad of Berkeley stakeholders, including residents who have experienced harm with economists and historians to provide context. Subject matter experts will employ financial and historical data to illuminate the generational wealth gap, describe barriers to economic mobility, and detail the systemic racism against Berkeley’s African American community. 2. Interact. The Consultant should aim to foster an interactive dialogue centered on the community’s historical experiences and legacy of racism. These group settings should be between persons of diverse vantage points and opinions. The Consultant’s facilitation of these emotive conversations should aspire to enable learning and deep listening, connection, and ultimately trust, healing, and the desire to repair the community. 3. Recommend. Draw from the community dialogues to issue short, medium, and long-term recommendations, for reparations policies. The policy recommendations should focus on creating significant, sustainable progress towards repairing the damage caused by public and private systemic racism; and mitigate racial disparities in wealth, education, employment, homeownership, health, criminal justice, and more. The recommendations should include a portfolio of policies aligned under the following framework: i. Reckoning ii. Acknowledgment iii. Accountability iv. Redress

Financial Implications: See report.

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

33. **Supporting Ranked Choice Voting -- Opposing AB 2808 (O’Donnell)**
From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Robinson (Author)

Recommendation: Adopt a resolution opposing AB 2808 (O’Donnell), which would ban rank choice voting in California, including in those charter cities where the system is already in use. Send a letter to the bill author stating opposition. Send a copy of the Resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

Financial Implications: None

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

Council Consent Items

- 34. Support for AB 1755 (Levine)**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in Support of AB-1755: Homeowners Insurance: Home Hardening (Levine). AB-1755 will require, beginning in 2025, an insurance provider licensed in California to issue an insurance policy to a homeowner that has taken science-based actions to harden their property from wildfire risk. This legislation would also create the Wildfire Protection Grant Program under the Department of Insurance that would administer grants to residential property owners of up to \$10,000 to help pay for costs associated with home hardening and wildfire mitigation improvements. Send copies of the Resolution to Assembly Member Levine, Assembly Member Wicks, Senator Skinner, Governor Newsom and Insurance Commissioner Lara.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 35. Support for AB-1594 Firearms: Civil Suits**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB-1594 (Assembly Member Ting) which would allow gun manufacturers to be sued for creating a public nuisance if their failure to follow federal, state or local law caused injury or death or if the gun industry member engaged in unfair business practices.
Send the Resolution to Assembly Members Ting, Gipson, Ward and Wicks along with Senator Skinner and Governor Newsom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 36. 2022 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's, Hahn's, Bartlett's, and Mayor Arreguin's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 19th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. In light of the vulnerability of many of the attendees, and the continuing threat of the COVID pandemic, this year's program will be held virtually on April 28, 2022.
Financial Implications: See report.
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 37. Budget Referral: Telegraph-Channing Garage Elevator Repairs**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$3.6M to the June 2022 budget process for urgent repairs to the Telegraph-Channing Garage elevators. Additionally, refer to the City Manager to pursue all available funding opportunities for this project, including American Rescue Plan Act funds.
Financial Implications: See report.
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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 – New Business

- 38. Berkeley Economic Dashboards Update**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

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

39. Referral Response: Research and Development (R&D) Definition

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a Zoning Ordinance amendment that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].

Financial Implications: None

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

Action Calendar – Old Business

40. 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 January 25, 2022. 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

Information Reports

41. FY 2022 First Quarter Investment Report: Ended September 30, 2021

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 10, 2022.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications

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

Item #27: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

1. Aimee Baldwin

Item #40: 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

2. Jennifer Head

Street Paving Adding \$9,000,000 to General Fund

3. Alex Benn
4. David Lerman

UC Berkeley – Student Housing

5. Rachel Doughty
6. Margot Smith
7. Mary Zernicke

Hopkins Corridor

8. Susan Schwartz

Support the Plastic Bag Ordinance

9. Sofia Pavlova
10. Peter DiMaria

Keeping Berkeley Residents Housed

11. Drew Finke
12. Negeene Mosaed
13. Elana Auerbach
14. cooperlb@

Grocery vs Market Berkeley Redlines

15. Aimee Baldwin

Amending His Brown Act Complaint

16. Thomas Lord

Tenants Opportunity to Purchase Act (TOPA)

17. Kiran Shenoy, on behalf of the Bridge Association of Realtors
18. Erin Markham
19. Eduardo Madrigal

Covid Dashboard

20. Thomas Lord (2)
21. Councilmember Harrison

Berkeley Drop-In Center and the Berkeley Police Department

22. Boona Cheema
23. Diana Bohn
24. Katrina Killian
25. Interim Police Chief Louis

Community Policing: Flex Team for Problem-Oriented Policing

26. Josh Buswell-Charkow
27. Minda Berbeco
28. Jane Ellis
29. Jennifer Head
30. John Caner, on behalf of the Downtown Berkeley Association

Legal Protection for My Daughter Who Was Abused

31. Mandisa Leacheman

Ongoing Violations of ADA and IDEA

32. Gail Burke

Emergency Greenhouse Gas (GHA) Limits Ordinance

33. Nilang Gor, on behalf of Sierra Club SF Bay Sustainable Food & Agriculture Committee

Parking Garage at 2215 4th Street

34. Jack Litewka (3)

35. Anne Burns

Masks – Covid - Vaccinations

36. Val Cipollone

37. David Freeling

38. George Torgun

BART Redistricting 2022

39. April Quintanilla

East Bay Community Energy Finance, Administration, Procurement

40. East Bay Community Energy

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**
Available by 5:00 p.m. two days following the meeting.

