

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, April 12, 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/86759332010>. 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: **867 5933 2010**. 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.*

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. Implementation of Redistricting Plan for City Council District Boundaries**
From: Independent Redistricting Commission
Recommendation: Adopt second reading of Ordinance No. 7,803-N.S. implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.
Financial Implications: None
Contact: Mark Numainville, Commission Secretary, (510) 981-6900
- 2. 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: Adopt second reading of Ordinance No. 7,804-N.S. 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”.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.
Financial Implications: None
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 3. Referral Response: Research and Development (R&D) Definition**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,805-N.S. that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Droste.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

4. 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, March 8, 2022, and March 22, 2022.

Financial Implications: To be determined

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

5. Collection of Parking Space Rental Tax for City Owned Parking Lots; and Amending BMC Section 6.24.050

From: City Manager

Recommendation: Adopt a Resolution authorizing the collection of Parking Space Rental Tax for City of Berkeley owned off street parking lots pursuant to BMC 7.48.070 starting June 1, 2022, and adopt first reading an Ordinance amending BMC 6.24.050 to allow Parking Space Rental Tax to be placed in the general fund instead of a special fund.

Financial Implications: See report

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

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 12, 2022

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$710,000

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

7. Purchase Order: Eight (8) Emergency Vehicle Utility Pickup Trucks for the Berkeley Fire Department

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to waive the competitive procurement process for purchase and upfitting of emergency vehicles for the Berkeley Fire Department (Department) for eight (8) utility pickup vehicles in an amount not to exceed \$621,000.

Financial Implications: Various Funds - \$621,000

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

Consent Calendar

8. Mental Health Services Act Innovations - Encampment-Based Mobile Wellness Center Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Encampment-based Mobile Wellness Center Project Plan and any extensions, for services, activities, and supports for unhoused individuals in Berkeley, in a total amount not to exceed \$2,802,400 over a five-year period beginning in FY2023.

Financial Implications: See report

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

9. Revenue Contract: Mental Health Services Oversight and Accountability Commission for \$2,500,000 for Coordination and Provision of Mental Health Services in Berkeley Unified School District

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the Mental Health Services Oversight and Accountability Commission (MHSOAC) through the Mental Health Student Services Act Request for Applications, accept the funding, and execute any resultant revenue agreements and amendments to coordinate and provide mental health services in the Berkeley Unified School District (BUSD) for \$2,500,000 in FY 2022 through FY 2027.

Financial Implications: See report

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

10. Revenue Grant Agreement: Funding Support from the California Department of Public Health, Oral Health Program to conduct Public Health Promotion, Protection, and Prevention Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to California Department of Public Health, Oral Health Program, to accept the grant, execute any resultant revenue agreement and amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the California Department of Public Health-Oral Health Program, in the projected amount of \$173,408 annually for Fiscal Years 2023, 2024, 2025, 2026, and 2027.

Financial Implications: See report

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

Consent Calendar

11. **Ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021**

From: City Manager

Recommendation: Adopt a Resolution to acknowledge and ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021.

Financial Implications: None

Contact: Donald E. Ellison, Commission Secretary, (510) 981-6800

12. **Re-establish Senior Engineering Inspector Classification**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,996-N.S.

Memorandum of Understanding: Public Employees Union – Local 1, Re-establishing the Senior Engineering Inspector classification.

Financial Implications: See report

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

13. **Contract: Sysco San Francisco for Food Services for Tuolumne and Echo Lake Resident Camps**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Sysco San Francisco for food services at the City of Berkeley Tuolumne and Echo Lake Resident Camps for a five-year period, beginning May 1, 2022 and ending May 1, 2027, in an amount not to exceed \$4,468,610, subject to the City's annual budget appropriation process.

Financial Implications: See report

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

14. **Donation: Bench and picnic equipment at Codornices Park in memory of Lucinda Sikes**

From: City Manager

Recommendation: Adopt a Resolution accepting a donation in the amount of \$16,000 donation from the local friends of Lucinda Sikes for a memorial bench and picnic equipment to be placed at Codornices Park in memory of Lucinda.

Financial Implications: Revenue - \$16,000 (donation)

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

Consent Calendar

15. Revenue Grant: FEMA Hazard Mitigation Grant Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds in the amount of \$1.25 million, comprising at least \$910,000 from property owner funds, with the remainder through in-kind City staff time, for a Hazard Mitigation Grant application in the amount of \$3.75 million for the Retrofit Grants Program to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program and designating the applicant's authorized agent.

Financial Implications: See report

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

16. Revenue Grant: Fiscal Year 2022-2025 Department of Justice Tobacco Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager, and/or Chief of Police to execute a grant contract and any subsequent amendments with the State of California Department of Justice (DOJ) in the amount of \$191,053 for three fiscal years, 2021-22 through 2024-25.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

17. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2022 Project

From: City Manager

Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11470-C; 2) approving the plans for the Intersection Reconfiguration at Dwight Way and California Street Project, Specification No. 22-11485-C; 3) rejecting the lowest bid from Azul Works, Inc. as non-responsive; 4) accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc.; and 5) 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 \$6,084,809.

Financial Implications: See Report

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

Consent Calendar

18. **Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution directing staff to 1) prepare a draft Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities on City-owned and maintained streetlight poles in the public right-of-way, and 2) return to City Council for review and consideration of template approval.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

19. **Budget Referral: \$60,000 to the FY 2023-2024 Budget Process for Supply Bank School Supply Distribution**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the FY 2023-2024 budget process \$60,000 for Supply Bank (\$30k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.
Financial Implications: \$60,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
20. **Assembly Bill 1944: Support and Seek Amendments**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving a support and seek amendments position on Assembly Bill (AB) 1944 (Lee), which amends the Brown Act to permanently enable meetings of legislative bodies to be conducted through videoconference or teleconference with flexibility on noticing requirements. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
21. **Support of AB 1947 – Addressing Hate Crimes**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Assembly Bill (AB) 1947 (Ting), which will require law enforcement agencies to adopt policies around how to identify, respond to, and report hate crimes. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 22. Resolution Reaffirming the City of Berkeley's Commitment to Transgender Rights**
From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitment to Transgender and Gender Expansive Rights
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 23. Budget Referral: Municipal Electric Vehicle Charging Infrastructure**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: That the City Council refer to the FY2023-24 budget process the funding of electric charging infrastructure for the City's fleet of electric vehicles.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Budget Referral: West Berkeley Park Ambassadors**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refer to the FY2023-24 budget process the funding for Park Ambassadors at San Pablo Park, Strawberry Creek Park, and Aquatic Park.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 25. Support for AB-1608 (Angelo Quinto Act of 2022)**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner's Offices (Gipson).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Native and Drought Resistant Plants and Landscaping Policy Update** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution amending the Native Species/Bay-Friendly Landscaping Policy to require, when appropriate, the prioritization of native, non-invasive, and pollinator friendly plantings on City property.
Policy Committee Recommendation: On March 9, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a Positive Recommendation to forward the item to the City Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 27. Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models** *(Reviewed by the Public Safety Committee)*
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Refer to the City Manager the establishment of a Flexible Team for Problem-Oriented Policing in the Berkeley Police Department, following the SARA model and other applicable community engagement models, including Berkeley Ceasefire.
Policy Committee Recommendation: On March 7, 2022, the Public Safety Committee made a Positive Recommendation to the City Council for the item to be considered as part of the reimagining public safety process.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 28. Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24**
From: Councilmember Harrison (Author)
Recommendation: Refer to the FY 23 and FY 24 Bi-annual Budget Process \$100,000 to provide the Mayor, on behalf of the Budget Committee and Council, the means to hire a certified public accountant throughout both fiscal years to provide supplemental assistance in fulfilling budgetary obligations pursuant to the Charter.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 29. Berkeley Public Library Foundation's 19th Annual Authors Dinner Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$500 from Councilmember Wengraf, \$200 from Mayor Arreguín, and \$200 from Councilmember Hahn, to the Berkeley Public Library Foundation's 19th Annual Authors Dinner event with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and additional funds from Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs, and services of the Berkeley Public Library. Recent gifts to the Foundation helped the library redesign its services during the pandemic, outfit a culinary tool lending library, and complete needed capital improvements to the downtown Central Library.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 30. Kala Art Institute 2022 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2022, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmembers Hahn and Taplin, Mayor Arreguín, and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 31. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the 19th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 28th from 2:00 – 3:00 PM.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 32. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2023/2024 budget process a request for \$6,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 33. Budget Referral: Downtown Berkeley BART Station Modernization Design**
From: Councilmember Robinson (Author), Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Refer \$250,000 to the June 2022 budget process to contribute to funding Bay Area Rapid Transit's preliminary design engineering work for the Downtown Berkeley BART Station Modernization project.
Financial Implications: General Fund - \$250,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

- 34. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Suitcase Clinic**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Robinson, to the Suitcase Clinic to fund homeless outreach supplies and in-clinic expenses.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 35. Support for AB 2050: Ellis Act Reform**
From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2050, which would require five years of ownership before a rental property owner can proceed with an eviction pursuant to the Ellis Act, with exemptions for small landlords.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 36. Support for SB 649: Affordable Housing Local Tenant Preference**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Senator Dave Cortese, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Senate Bill 649, which would enable the creation of local tenant preferences policies for affordable housing.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 37. Support for AB 2147: Jaywalking Decriminalization**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 38. Support for SCA 2: Article 34 Repeal**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.
Financial Implications: None
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 – Old Business

- 39. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities** *(Continued from March 22, 2022. Item contains supplemental material.)*

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

Action Calendar – New Business

- 40a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

From: Commission on Labor

Recommendation: Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

Financial Implications: See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

- 40b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

From: City Manager

Recommendation: Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

Financial Implications: See report

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

Action Calendar – New Business

41a. UC Berkeley Agreement

From: Disaster and Fire Safety Commission

Recommendation: The University of California recently agreed to pay the City of Berkeley \$4.3 million a year to cover cost expended by the City due to the University's expansion and cost on the City. The funding is intended to 'support fire and city services.' The DSFC recommends that the City administer the funds separately from the general funds and with public review under the DSFC similar to FF and GG for the duration of the agreement.

Financial Implications: None

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

41b. Companion Report: UC Berkeley Agreement

From: City Manager

Recommendation: Use the General Fund and existing budget process to administer payments received through the University of California settlement.

Financial Implications: See Report

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 31, 2022.*

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

Mark Numainville, City Clerk

## Communications

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

### **Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models**

1. Susan Payne
2. Matt Ruby
3. Jeff Vincent
4. Phyllis Kamrin
5. Alicia Carter
6. Paula Hollowell
7. Bradley Morris
8. Charlene Washington
9. aliciacatherinemorre@
10. Michelle Braasch-Carman
11. Frances Haselsteiner
12. Damian Park
13. Sarah Garrett
14. Kenneth Berland
15. Nancy Chamberlain
16. Naomi Marks
17. Stacey Murphy
18. David Lerman

- 19. Charles Clarke
- 20. Eric Friedman
- 21. Nathan Scullion
- 22. Antoine Grondin
- 23. Thomas Luce
- 24. Stephen Wilson
- 25. Kitt Saginor
- 26. Diana Bohn

**Vision 2050**

- 27. David Lerman

**UC Berkeley Students Cap**

- 28. Michael Fullerton (2)

**Housing**

- 29. Grayson Peters
- 30. Avran Gur Arye (3)

**Paving Ballot Measure**

- 31. Alex Sharenko

**Hazardous Condition of Crosswalk at Francisco Street and Sacramento**

- 32. David Lerman

**Landmark Preservation of the California Theatre**

- 33. Sonia Mistry

**Revitalization of the Downtown Area**

- 34. Steven Schuyler

**Parking Enforcement Outside the SPARK Program**

- 35. Diana Bohn

**Corporate Money in Berkeley Elections**

- 36. Nilang Gor

**Underground Wiring of PG&E**

- 37. Pamela Doolan

**Project of “The Next One”**

- 38. Anonymous

**Bench Needed at Caesar Chavez Park**

- 39. Michael Fullerton
- 40. Michelle Silver



**Climate Change**

- 41. Jeff White
- 42. Thomas Lord

**COVID-19 and Masks**

- 43. George Torgun

**Eden I&R Newsletter**

- 44. Eden I&R

**Freedom of Speech**

- 45. Nilang Gor

**Berkeley Food Procurement**

- 46. Nilang Gor, on behalf of the Sierra Club

**Shut Down America's Coal Industry**

- 47. Jeff White

**Station Access at North Berkeley BART**

- 48. David Brandon

**Sanctuary Contracting Ordinance**

- 49. Elana Auerbach

**Redistricting**

- 50. Elisabeth Watson

**North Berkeley BART Development**

- 51. 35 similarly-worded from letters
- 52. Charlene Woodcock
- 53. Aimee Baldwin
- 54. Vicki Sommer
- 55. Kenneth Gross
- 56. Sean Bouvet
- 57. Holly Scheider
- 58. Kevin James and Tom Reilly
- 59. Deborah Gouailhardou
- 60. Carol Hirth
- 61. Larry Orman
- 62. Toni Casal (2)
- 63. Tony Corman
- 64. Roberta Silverstein
- 65. Maud Engel
- 66. S.P. Neyhart

## **Paid Parking System – Smart Space**

67. Kit Vanbuskirk

## **Tenant Opportunity to Purchase Act (TOPA)**

68. 10 similarly-worded form letters

69. Rahel Smith

70. Ginny Madsen

71. Jeffrey Melcher

72. Ayanna Davis

## **Dog's Off Leash**

73. Heather Lee Khvatsky

## **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.