

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, September 13, 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 captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1611765730>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 176 5730**. 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: 6:01 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:05 p.m.

Report from Closed Session

The City Council met in closed session and authorized the City Attorney to settle the matter of Timothy Gardner v. City of Berkeley (U.S. District Court Case No. 3:18-cv-07784-VC) for \$185,000, in exchange for a full release of claims.

The City Council met in closed session and authorized the City Attorney to settle the matter of Deal v. City of Berkeley (Alameda County Superior Court Case No. RG21110607) for the amount of \$349,999.00, in exchange for a full release of claims.

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Adjourn in memory of Leisl Griffith Redmond, City of Berkeley Employee
3. Adjourn in memory of Neil Mayer, Former City of Berkeley Employee
4. Adjourn in memory of Ying Lee Kelley, Former City of Berkeley Councilmember
5. Adjourn in memory of Victor Herbert, Berkeley Resident and Community Mediator
6. Adjourn in memory of Barbara Ehrenreich, Author and Political Activist

City Manager Comments: None

Public Comment on Non-Agenda Matters: 8 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept:

1. Revised material from the Public Works Department on Item 21.
2. Supplemental material from Councilmember Taplin on Item 34.
3. Supplemental material from Councilmember Taplin on Item 35.

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

Councilmember Wengraf absent 6:35 p.m. – 7:15 p.m.

Public Comment on Consent Calendar and Information Items Only: 26 speakers.

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

Vote: All Ayes.

Recess Items

- 1. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems, Inc. for Electronic Health Records**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc., increasing the amount by \$188,955 for a total contract value not to exceed \$1,008,291 and extending the term from September 30, 2010 through June 30, 2024.
Financial Implications: See report
Contact: LaTanya Bellow, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,497–N.S.
- 2. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 31900288 with Disability Access Consultants (DAC) for Americans with Disabilities Act (ADA) Transition Plan and On-Call ADA accessibility consulting services, increasing the contract amount by \$122,000 for a total not-to-exceed amount of \$606,800 and extend the contract term to June 30, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,498–N.S.
- 3. Contract No. 32100194 Amendment: Bay Cities Paving & Grading, Inc. for Construction and Repairs**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100194 with Bay Cities Paving & Grading, Inc. for work on the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C, increasing the current contract amount by \$260,000, for a total amount not to exceed \$4,556,733.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,499–N.S.

Consent Calendar

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of July 7 (closed), July 12 (closed and regular), July 18 (closed), July 26 (special and regular) and August 3 (special).

Financial Implications: None

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

Action: Approved the minutes as submitted.

5. Contract: Municipal Resource Group for Addressing Impacts Resulting from Great Resignation

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Municipal Resource Group (MRG) for professional services needed to respond to the impacts within the City as a result of the Great Resignation. Total contract direct costs will not exceed \$87,675.

Financial Implications: General Fund - \$87,675

Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,500–N.S.

6. Contract No. 32100053 Amendment: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100053 with Orsolya Kuti for on-site veterinary services for Berkeley Animal Care Services, increasing the contract amount by \$8,000 for a new total not to exceed amount of \$228,000, and extending the contract term to September 14, 2023.

Financial Implications: See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,501–N.S.

7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 13, 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 - \$440,000

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

Action: Approved recommendation.

Consent Calendar

8. Request for Proposal for Project Homekey

From: City Manager

Recommendation: Adopt a Resolution authorizing City Manager to: 1. Release a Request for Proposals (RFP) for a Homekey Round 3 Project; and 2. Consider a reservation of up to \$8.5M in General Funds collected pursuant to Measure P, and/or other funding source, to support a future Homekey project.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,502–N.S.

9. Contract: Tiana Sanchez International LLC for HHCS Equity Consultant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Tiana Sanchez International, LLC. (Contractor) to provide equity consulting services for the Department of Health, Housing and Community Services (HHCS) from October 1, 2021 to May 30, 2023 in an amount not to exceed \$120,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,503–N.S.

10. Contract No. 31900043 Amendment: Kings View Professional Services for Mental Health Reporting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900043 with Kings View Professional Services to provide mental health financial reporting services through June 30, 2024 in an amount not to exceed \$220,628.

Financial Implications: Mental Health Realignment-Administration Account - \$57,100

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

Action: Adopted Resolution No. 70,504–N.S.

11. Accept Future of Public Health Funds from the State of California

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments for the Future of Public Health program for an amount of \$912,213 for the Fiscal Year 2023.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,505–N.S.

Consent Calendar

- 12. Donation of Painting Services from MB Jessee Painting, Inc.**
From: City Manager
Recommendation: Adopt a Resolution accepting the donation of painting services and materials from MB Jessee Painting, Inc., estimated to be a value of \$8,994, to paint interior areas of 1900 6th Street building in accordance with Administrative Regulation 3.19, Donations to the City from Individuals of Outside Organizations.
Financial Implications: \$8,994 (Donation)
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,506–N.S.
- 13. Contract No. 8392 Amendment: Innovative Claim Solutions (ICS) for claims administration of the City’s Workers’ Compensation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to extend Contract No. 8392 with Innovative Claims Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), for an additional term of three years from July 1, 2022 through June 30, 2025 at a decreased annual rate of \$570,000 for a total contract amount of \$7,393,611 for year 2023.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,507–N.S.
- 14. AHEAD, Inc: Using the California Department of General Services’ (DGS) Software Licensing Program (SLP) for Software License Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, Inc. (“AHEAD”) for the purchase of Varonis software licenses and professional services, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$71,481 for a total amount not-to-exceed \$236,305, and the period beginning September 29, 2022 through September 28, 2023.
Financial Implications: IT Cost Allocation Fund - \$71,481
Contact: LaTanya Bellow, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,508–N.S.

Consent Calendar

- 15. Lease Agreement: 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park with Waterside Workshops**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Waterside Workshops to use the 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park for a lease term anticipated to begin November 1, 2022 and ending November 1, 2031.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopt first reading of Ordinance No. 7,831–N.S. Second reading scheduled for September 29, 2022.
- 16. Donation: Memorial Bench at the Cesar Chavez Park in memory of Walt and Trudee Rowson**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Cesar Chavez Park at the Berkeley Marina in memory of Walt and Trudee Rowson.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,509–N.S.
- 17. Donation: Memorial Bench at the Cesar Chavez Park in memory of Don Rothenberg**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Cesar Chavez Park at the Berkeley Marina in memory of Don Rothenberg.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,510–N.S.
- 18. Donation: Memorial Bench at the Indian Rock Park in memory of Dave Altman**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Indian Rock Park at the Berkeley Marina in memory of Dave Altman, a longtime Berkeley rock climber and a treasured member of the rock-climbing community.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,511–N.S.

Consent Calendar

- 19. Contract: Bellingham Inc. to Replace and Repair Docks at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bellingham Inc. to repair and replace docks at the Berkeley Marina in a total amount not-to-exceed \$550,000, which includes a contract amount of \$480,000 and a 14.58% contingency in the amount of \$70,000.
Financial Implications: Marina Fund - \$550,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,512–N.S.
- 20. Revenue Grant: California Office of Traffic Safety (OTS) for the 2023 “Selective Traffic Enforcement Program (STEP) Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$180,000 for the period of October 1, 2022 through September 30, 2023, which is Federal Fiscal Year 2023
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,513–N.S.
- 21. 2022 Vision Zero Program Grant Applications**
From: City Manager
Recommendation: Adopt three Resolutions:
1. Certifying that the Berkeley Vision Zero Action Plan, the Berkeley Bicycle Plan, and the Berkeley Pedestrian Plan, collectively meet the Safe Streets and Roads for All grant program requirement for a Comprehensive Safety Action Plan.
2. Authorizing the City Manager to submit a grant application to the federal Safe Streets and Roads for All (SS4A), accept the grant awarded, and execute any resultant agreements and amendments.
3. Authorizing the City Manager to submit a grant application to the federal Reconnecting Communities Pilot Grant Program (RCP), accept the grant awarded, and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,514–N.S. (Plans); Resolution No. 70,515–N.S. (SS4A); and Resolution No. 70,516–N.S. (RCP) as revised in the Supplemental Communications Packet #3 from the Public Works Department to increase the grant funding request for Safe Streets and Roads for All to \$8,000,000, and to authorize the City Manager or their designee to submit the grant applications, accept the grants awarded, and execute any resultant agreements and amendments.

Consent Calendar

22. Red Curbs and Visible Signage

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully requests that Council immediately take the following remedial actions to improve emergency vehicle access and residents’ ability to evacuate in the event of a wildfire, while we await implementation of more comprehensive long-term actions such as the Safe Passages program. In identified high fire risk areas (Fire Zones 2 and 3) and in other high-risk areas, such as where hazardous chemicals are stored or used: 1. Inspect, fix or replace all parking restriction signage as necessary; 2. Red curb all fire hydrant areas to the maximum extent allowed by law; and 3. Direct the Fire Department and Public Works to identify areas that could be pinch points for fire trucks to travel.

Financial Implications: See report

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

Action: Approved recommendation.

23. Appointment of Judy Appel to Mental Health Commission for the City of Berkeley

From: Mental Health Commission

Recommendation: Adopt a Resolution appointing Judy Appel as a representative of the Special Public Interest Category (family member), to complete her first 3- year term beginning September 14, 2022 and ending September 13, 2025.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 70,517–N.S.

24. Taking Action on the City of Berkeley’s Commitment to Abortion Access

From: Peace and Justice Commission

Recommendation: Adopt a Resolution Taking Action on the City of Berkeley’s Commitment to Abortion Access.

Financial Implications: Staff time

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action: Adopted Resolution No. 70,518–N.S.

Council Consent Items

- 25. Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin to the Pacific Center for Human Growth, for the planning and production of a historical quilt to honor their 50th anniversary. Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$1,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,519–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$100; Councilmember Hahn - \$250; Councilmember Droste - \$100; Councilmember Harrison - \$100; Councilmember Kesarwani - \$100; Councilmember Taplin - \$100.
- 26. Ordinance Amendment: Correction to the COVID-19 Emergency Response Ordinance, BMC Chapter 13.110.**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt the first reading of an Ordinance correcting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance, to clarify the effect of Ordinance No. 7,762-N.S. upon tenant protections that were inadvertently omitted during the last update of BMC Chapter 13.110.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Harrison added as a co-sponsor. Adopt first reading of Ordinance No. 7,832–N.S. Second reading scheduled for September 29, 2022.
- 27. Resolution in Support of High-Quality, Equitable Healthcare Services at UCSF Children's Hospital Oakland**
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution in support of patients, nurses, doctors, caregivers and other employees at UCSF Children's Hospital Oakland; and send resolution to the UC Board of Regents, UC Office of the President, and UCSF Health.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 70,520–N.S.

Council Consent Items

28. Berkeley Youth Alternatives (BYA) Charity Golf Classic: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the 4th Annual Charity Golf Classic hosted by Berkeley Youth Alternatives (BYA).

Financial Implications: Councilmember's Discretionary Funds - \$200

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Adopted Resolution No. 70,521–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Kesarwani - \$100; Mayor Arreguin - \$200.

**29. California Marriage Equality Resolution (Prop 8 Repeal)
From: Councilmember Taplin (Author), Councilmember Droste (Co-Sponsor),
Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

Recommendation: Adopt a Resolution Urging the California Legislature to Place a Measure on the Ballot to Repeal Article I Section 7.5 of the State Constitution, a.k.a. Proposition 8; and send copies to the Offices of the Speaker of the Assembly, Senate President Pro Tempore, and Governor.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Adopted Resolution No. 70,522–N.S.

Council Consent Items

30. **Referral: Keep Innovation in Berkeley** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

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

Recommendation: Refer to the City Manager and the Planning Commission to consider and return to Council with Zoning Ordinance amendments, codified performance standards, and other actions to encourage the growth and retention of Research & Development (R&D) in Berkeley. Staff and the Commission should explore: 1. Naming R&D as an allowed land use in the commercial districts of Telegraph (C-T and C-C), West Berkeley (C-W), University (C-U), and Downtown Berkeley (C-DMU) with a Zoning Certificate, subject to performance standards. a. Performance standards should regulate and mitigate potential impacts on quality of life, public health, and environmental health, such as noise, odors, fumes, vibrations, dust, light pollution, hours of operation, and disposal and storage protocols for flammable, combustible, chemical, and hazardous substances. 2. Updating the "District Purpose" sections of the MM and MU-LI districts to specifically embrace R&D. Consider doing the same for other districts where R&D is allowed, if deemed appropriate. 3. Amending R&D parking requirements in M-prefixed districts to align with Laboratory parking requirements and in C-prefixed districts, excluding C-T, to align with Manufacturing parking requirements. 4. Reviewing Berkeley Municipal Code 23.206.080 to ensure that language regulating Biosafety Level (BSL) Classes 1-4 is clear and consistent with regulations in neighboring jurisdictions and other cities that support a broad range of R&D. Consider repealing the section or amending it to permit BSL-2 in all districts where research and development facilities or laboratories are permitted. 5. Returning to Council with additional recommendations, if any, that would serve to encourage R&D in Berkeley, as determined by staff or that present themselves through the Planning Commission process.

Policy Committee Recommendation: Approve the item with a positive recommendation.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation as recommended by the Land Use, Housing, & Economic Development Committee, and accepted the supplemental material in Supplemental Communications Packet #1 from Councilmember Robinson.

Action Calendar

31. **Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Center for Independent Living's 50th Anniversary**
From: Councilmember Robinson (Author), Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Robinson and Councilmember Bartlett, to the Center for Independent Living to fund a Berkeley mural project, street festival, CIL open house, three-day conference on independent living, and other activities for their 50th Anniversary.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 70,523–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Hahn - \$250; Councilmember Droste - \$100; Councilmember Harrison - \$250; Councilmember Kesarwani - \$100; Councilmember Taplin - \$100.

Action Calendar – Old Business

32. **Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers** *(Continued from July 26, 2022. Item contains revised and supplemental materials)*
From: City Manager
Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted 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. Adopted Resolution No. 70,524–N.S. including the revised material in Supplemental Communications Packet #1 from Councilmember Harrison revising Surveillance Use Policy 1302 for Automated License Plate Readers, which was further revised to incorporate the recommendation in Supplemental Communications Packet #2 from the Police Department pertaining to Policy Section 1302.9(b), and adding that approval to query the data must be granted by the Chief of Police or the Acting Chief of Police (striking the language “or his or her designee”).

Action Calendar – New Business

33. An Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance 7643-NS.

From: City Manager

Recommendation: Adopt first reading of an ordinance repealing Chapter 12.76 of the Berkeley Municipal Code and repealing Ordinance 7643-NS.

Financial Implications: None

Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000, Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,833–N.S. Second reading scheduled for September 29, 2022.

Council Action Items

34. Equitable Safe Streets and Climate Justice Resolution *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

From: Councilmember Taplin (Author)

Recommendation: Adopt a resolution committing the expenditure of City and state/federal matching/recurring funds on city-maintained roads, sidewalks, and bike lanes to accelerate safety improvements in a manner consistent with City, State, and Federal policy on street safety, equity, accessibility, and climate change; refer to the City Manager fully integrate Complete Streets design as defined by the NACTO Urban Street Design Guide in the default engineering standard for city streets; restrict city use of the Manual on Uniform Traffic Control Devices (MUTCD) to only documented cases that require its use for compliance with Federal/State regulations; in all other cases, restrict use of the MUTCD to “engineering judgment.”

Policy Committee Recommendation: Send the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Moved to Consent Calendar. Councilmembers Robinson and Bartlett added as co-sponsors. Adopted Resolution No. 70,525–N.S. as revised in the Supplemental Communications Packet #3 from Councilmember Taplin to clarify the intent and impact of the policy on residential street paving and street trees.

Council Action Items

35. **Efficiency Unit Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor)

Recommendation: Refer to the City Manager and Planning Commission to adopt objective standards for Efficiency Units pursuant to California Housing and Safety Code § 17958.1, developing an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.

Policy Committee Recommendation: Approve the item with a positive recommendation.

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Moved to Consent Calendar. Approved the recommendation as revised in the Supplemental Communications Packet #3 from Councilmember Taplin to read as follows: *Refer to the City Manager and Planning Commission to study and, if recommended, propose standards for Efficiency Units pursuant to California Housing and Safety Code Section 17958.1. Consider appropriate standards for unit size and facilities including bathrooms as well as for shared indoor and outdoor spaces and facilities within buildings with such units. Shared space requirements may include requirements for "full kitchen" facilities, dining and/or meeting rooms, indoor lounge/study areas, outdoor/roof space, bike/scooter and stroller parking, gym/workout/play spaces, storage, and other shared and accessible facilities to support healthy and social lives, and accommodate important activities and uses that are externalized from Efficiency Units. Consider zones where Efficiency Units may be appropriate, affordability requirements, phasing, and any other standards and zoning related to such units. Based on study and consideration of financial feasibility, develop recommendations and/or an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.*

Information Reports

36. **City Council Short Term Referral Process – Quarterly Update**

From: City Manager

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

Action: Received and filed.

37. **Federal Economic Relief Spending in Berkeley**

From: City Manager

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

Action: Received and filed.

Information Reports

38. Sanctuary City Contracting Compliance Report for FY 2022

From: City Manager

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

Action: Received and filed.

39. Environment and Climate Commission 2022 Work Plan

From: Environment and Climate Commission

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: Received and filed.

40. Planning Commission Fiscal Year 2022-23 Work Plan

From: Planning Commission

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speaker.

Councilmember Droste absent 7:50 p.m. – 7:53 p.m.

Adjournment

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

Vote:

Adjourned at 7:53 p.m.

Communications

Vision 2050

1. Ben Gerhardstein, on behalf of Walk Bike Berkeley, North Berkeley Now, Bike East Bay and BNHCA.

Berkeley Marina Area Specific Plan (BMAASP)/Cesar Chavez Park

2. Emily Galpern
3. Masha Gutkin
4. Sandy Emerson
5. Daniel Larlham
6. Luke Bailey
7. Garril Page
8. Sandra Blair
9. Kathleen McLaughlin
10. David Mandel
11. Roberta Wyn
12. Meryl Siegal
13. Tro Vatro
14. Wini Williams
15. Miranda Morris

16. Shoshana Uribe (2)
17. Linda Karr
18. Morissa Zuckerman
19. Cynthia Gould
20. Judy Grether
21. Charlene Woodcock
22. Nicole Bloom
23. Kerna Trottier
24. Tamara Birdsall
25. Katya Gerwein
26. Remi Omodele
27. Mary Behm-Steinberg
28. Wanda Warkentin
29. Elsa Tranter
30. Gail Mandella
31. Majid Ghajjeh
32. Bill Reynolds
33. Dorothea Dorenz
34. Ingrid Crickmore
35. Stacey Singleton
36. Yvette Bozzini
37. Barbara Haber
38. Ryan Hart
39. Garril Page
40. Doug Dohrer
41. Barbara Li Santi
42. Susan Griffin
43. Irene Jung-Huang
44. Nancy Newman
45. Elizabeth Rood
46. Ric Keeley
47. Steve Tracy
48. Ken and Silvana Blum
49. Nancy Hormachea
50. Gail Harrison
51. Judy Ballinger
52. Deborah Scott
53. Eric Naiman
54. Gina Hassan
55. David Wallin
56. Sally Nelson
57. Laurie Lenrow
58. Summer Brenner
59. Erica Roberts
60. Sarah Elzea
61. Ernest Isaacs

62. Bob Schildgen
63. Tamar Oppenheimer
64. Chloe Chaundhry
65. Gillian Heather Geller
66. Francie Shaw
67. Lesli Salzinger
68. Susan Gluss
69. Jack Kurzweil
70. Suzanne Pegas
71. Peter Gleick
72. Herb Schwartz
73. Tobey Wiebe
74. Jean Tepperman
75. Bruce Bagnell
76. Tracey Cosgrove
77. Hannah Meara
78. Margot Smith
79. Kathleen Evans
80. Leslie Sakai
81. Stefani Berger
82. Gael Alcock
83. Wini Williams
84. Shantee Baker
85. Sarah Daniels
86. Melissa Hayes
87. Anne Rowe
88. Nicole S.
89. Shahryar Muzaffar
90. Joan Wheeler
91. Leigh Lightfoot
92. Alex Nguyen
93. Daniel Larlham
94. Kat Schaaf
95. Kelly Hammargren
96. Maureen Fitzgerald
97. Esther Brass
98. Alexandre Chorin
99. Meryl Siegal
100. Maureen Daggett
101. Robert Bloomberg (2)
102. Katharine Carrillo
103. Ilse Eden
104. Dan Slobin
105. Arthur Braufman
106. Mimi Mougovan
107. Feleciana Feller

108. Ken Krich
109. John Porter
110. Jonathan Newman
111. James McGrath
112. Sarah Van Cleave
113. Leah Shelleda
114. Collette Tureene
115. Maxina Ventura
116. Shoshana Dembitz
117. Martin Nicolaus (Book – Love Letters to the Park)
118. Janine Brown
119. Sally Francis
120. Alan McCornick
121. Kit Robinson
122. Riley Taylor
123. Randy Marks
124. Susan Oppie
125. 6 similarly-worded form letter (I greatly appreciate)
126. 28 similarly-worded form letters ((I am one of the rapidly)

Fishing at the Berkeley Waterfront: What is it Worth? – A Draft Summary Report

127. San Francisco State University

IKE Kiosks

128. Dahlia Armon
129. Todd Andrew (2)
130. Jane Tierney
131. Linda Press Wulf
132. Soula Culver
133. Annie Barrows
134. Margit Roos-Collins
135. Wini Willaims
136. Stephanie Thomas
137. Clay Collett
138. Maxina Ventura
139. Bruce Brody and Lin Druschel
140. Morgan Read
141. Margot Smith
142. Susan Boat
143. Kieron Slaughter (2)
144. Luma Corte, on behalf of Fourth Street Merchants
145. Patricia Zambryski
146. Janice Murota (2)
147. Constance Anderson
148. Zipporah Collins
149. Joseph Klems

150. David Bullitt, on behalf of Heroic Italian Restaurant
151. Karen Rusiniak
152. David Ndeto, on behalf of TCHO Chocolate
153. Jack Lavac, on behalf of Visit Berkeley & Berkeley Film Office
154. Donald Rothberg
155. James Lerager

**Temporary Suspension of the Use of Tear Gas, Smoke and Pepper Spray,
Associated with the Protest at People's Park**

156. Jack Kurzweil
157. Eric Friedman
158. Ron Jacobs
159. Metzli Hamelius
160. Lily Colby
161. Gerard Jamin
162. Hali Hammer
163. Terri Compost
164. Carol Denney
165. Summer Brenner
166. Sarah Cadorette
167. Tobey Wiebe
168. Russell Lee
169. Thomas Luce
170. Zepatitis B
171. Yadi
172. Maryann O'Sullivan
173. Gabe Gartland
174. Nathan Sweet
175. Juliet Lee
176. Emilio Fentanes
177. Sheila Goldmacher
178. John Selawsky
179. Anne-Lise Francois
180. Phoebe Anne Sorgen
181. Alissa Weber
182. Jan Ruchlis
183. Sara Antunovich
184. Melanie Lawrence
185. Councilmember Harrison (2)
186. Martina Reaves
187. Anna Tseselsky
188. Alan Haber
189. Toby Blome
190. Maxina Ventura
191. Tom Pache
192. Wendy Alfsen

193. Margaret Pritt
194. Adele and David Crady
195. Vicki Young
196. Glenda Pawsey
197. Ken Kratz
198. Anya Worley-Ziegmann
199. Sharon Gillars
200. K.B. Townsend
201. Amy Eden
202. Robert Feuer
203. Rachel Jamison
204. Sarena Kuhn
205. Karly Stark
206. AJ Schaerer
207. Ashe DeLong
208. Justin Lee
209. Sydney Selix
210. 29 similarly-worded form letters (Hello, my name is)

Save People's Park

211. Diana Bohn
212. James Mattson
213. Chrissy Hoffman
214. Derek Gaither
215. Lavell Young (2)
216. Paul Lee
217. Blair Beekman
218. Keith Nickolaus
219. Patricia Maud Engel
220. Bryan Graham
221. Ken Kratz
222. Terri Compost

Wildfire Safety

223. David Schindler
224. Henry DeNero, on behalf of the Hillside Association of Berkeley and it's Hillside Fire Safety Group (2)
225. Bruce Brody
226. Suzi Peterson and Alan Sher
227. David Sprague
228. Sondra Schlesinger

Park Usage Fees - Kite Festival, S.F. Mime Troupe, et al

229. Eric Friedman
230. Judith Thomas
231. Sally Nelson

- 232. Gael Alcock
- 233. Esfandiar Imani
- 234. Summer Brenner
- 235. Jill Schalet
- 236. Louise Kimball
- 237. Susan Ashworth
- 238. Barbara Ancher
- 239. Rafael Gonzalez
- 240. Wini Williams

Youth Commission

- 241. Cecilia Lunaparra
- 242. 21 similarly-worded form letters

Warrantless Searches/BPD Policy 311

- 243. Jennifer Wilks
- 244. Alexandra Mitnick
- 245. T.C Shu
- 246. Li Shu
- 247. David T.
- 248. Gary Amado
- 249. Billy McDonald
- 250. Iris Hagen Ratowsky
- 251. Thomas Luce
- 252. Summi Kaipa
- 253. Betty Kano

Shellmound

- 254. Stephanie Manning
- 255. Richard Schwartz (2)
- 256. Peter Walker
- 257. David Lutes
- 258. California Norma
- 259. Linda Newton
- 260. Elana Auerbach
- 261. John Curl
- 262. Jyl Lutes
- 263. Christy Fischer, on behalf of Trust for Public Land
- 264. Sylvie Woog

Hopkins Corridor

- 265. George Porter, on behalf of Commission on Aging
- 266. Bob Flasher (2)

E-Bikes

- 267. Fredda Cassidy

- 268. Jeff Hoover
- 269. Julie Elis
- 270. Robert Byler

Housing Element

- 271. Kendra Ma, on behalf of TranForm
- 272. Ellen Lake, on behalf of the Kala Art Institute
- 273. Harvey McKeon
- 274. North Berkeley Now Housing and Climate Action
- 275. Sophia DeWitt, on behalf of East Bay Housing Organization

Junior Jackets Sports Team Asked To Leave San Pablo Park

- 276. Moni Law (2)
- 277. Angela Jernigan
- 278. Sheila Jordan
- 279. Jr Jackets

Tenants Opportunity to Purchase Act (TOPA)

- 280. 12 similarly-worded form letters

Pedestrian Safety

- 281. Wende Micco
- 282. Roger Hallsten
- 283. Rachel Bradley
- 284. Robin Kirby

Bio Lab/Bayer

- 285. Berkeley Neighborhood Council
- 286. Dana Perls, on behalf of Friends of the Earth

COVID-19, Monkeypox, Vaccinations and Masks

- 287. Marilyn Kaplan (2)
- 288. Anne McClintock

Harriet Tubman Terrace

- 289. Libby Lee-Egan and Mari Mendonca

Joining the Department of Housing and Community Development (HCD) Lawsuit

- 290. Susan Candell

Crime

- 291. Katya Stoakes
- 292. Alex Merenkov
- 293. Isobel Dozier

Shattuck Cinemas

294. Charlene Woodcock

BART Development

295. Jean Peters

296. Malea Raffetseder

Toxic Pesticides

297. Maya Cohen

SB 9

298. Dorothy Berndt

Golden Duplex

299. Henry Caro

Unresolved City Matter – Closing Business License

300. Bill Creasi

CalPERS Bills Going Up

301. Eric Lerman

Union Pacific Railroad

302. Robert Kroll

Rat Birth Control

303. Andie Grace

304. Tony Benado

Telegraph Avenue is an Eyesore

305. Joann Philbin

Property Tax Exemption for Nonprofits

306. Barbara Gilbert

Toxic Waste Disposal

307. David Lerman

1598 University Avenue Planned 8-Story Building

308. Bill Kristy

Homelessness

309. Mike Palmer

Bond Measure L

310. Geoff Lomaz (3)

311. Henry Oyekanmi

West Berkeley Budget Priorities

312. 4 similarly-worded form letters

Rent Control

313. Bryce Nesbitt

Affordable Housing

314. Ann Campbell

EDI to Phase Out Bowel and Bladder Care

315. Tamar Michai Freeman

City of Berkeley Corruption

316. Walter Wood

Teaching BUSD Kids To Swim

317. David Lerman

Recruit Solano Avenue BID Advisory Board Members

318. Todd Andrew

Incessant Dog Barking

319. Norma J F Harrison

Misuse of jessearreguin.com Website

320. David Lerman

Underground Wiring on Eton Avenue

321. Fredora H. Darmstadt

Restoring Bus Service

322. Marilyn Sagna

323. Ika Simpson

5G Cell Towers

324. Omowale Fowles

Natural Gas Ban in Berkeley

325. Stella Kim

No Whites Allowed – POC House

326. Janice Barton

Public Financing

327. Omowale Fowles

328. Catherin Huchting

Measure P

329. Joel Libove

Covid Eviction Moratorium

330. Daniel Lorence

Things I Miss About Berkeley

331. M.E. Lawrence

Car-Free Berkeley

332. Ken Stein

University Campus Police Department

333. Carol Denney

Electric Vehicle Charging Stations Infrastructure

334. David Lerman

Genetically Modified Mosquitoes

335. David Luz

Supplemental Communications and Reports 1**Item #30: Referral: Keep Innovation in Berkeley**

336. Supplemental material, submitted by Councilmember Robinson

Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers

337. Revised material, submitted by Councilmember Harrison

Item #34: Equitable Safe Streets and Climate Justice Resolution

338. Janet Byron, on behalf of the Berkeley Path Wanderers Association

Supplemental Communications and Reports 2**Item #26: Ordinance Amendment: Correction to the COVID-19 Emergency Response**

339. May Kandarian

Item #30: Referral: Keep Innovation in Berkeley

340. Wesley Jackson, on behalf of Valitor

341. David Schaffer and Gino Segre, on behalf of Bakar Labs

342. Alice Agogino, on behalf of Squishy Robotics

Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers

343. Diana Bohn

344. Supplemental material, submitted by the Police Department

Item 33: An Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance 7643-N.S.

- 345. Jan Ruchlis
- 346. Diana Bohn
- 347. Elana Auerbach

Item #34: Equitable Safe Streets and Climate Justice Resolution

- 348. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 349. Dave Campbell, on behalf of Bike East Bay
- 350. Zach Franklin and Sofia Zander
- 351. Tim Ereneta
- 352. Pablo Diza-Gutierrez
- 353. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats

Item #35: Efficiency Unit Ordinance

- 354. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats

Item 38: Sanctuary City Contracting Compliance Report for FY 2022

- 355. Elana Auerbach

Supplemental Communications and Reports 3

Item #8: Request for Proposal for Project Homekey

- 356. Ali Kashani, on behalf of MPI Homes

Item #21: 2022 Vision Zero Program Grant Applications

- 357. Revised material, submitted by Public Works

Item #26: Ordinance Amendment: Correction to the COVID-19 Emergency Response

- 358. Igor Tregub

Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers

- 359. Sher Singh

Item #34: Equitable Safe Streets and Climate Justice Resolution

- 360. Supplemental material, submitted by Councilmember Taplin
- 361. Stephen Dalton
- 362. Nick Swanson-Hysell
- 363. Ned Resnikoff
- 364. Travis Close
- 365. Paul Rauber
- 366. Mike Wilson
- 367. Marc Hedlund
- 368. Annie Mohler
- 369. Dan Leaverton
- 370. Heather Ball
- 371. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 372. David Mendelsohn
- 373. Barry Cynamon

Item #35: Efficiency Unit Ordinance

374. Supplemental material, submitted by Councilmember Taplin