



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 28, 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://us02web.zoom.us/j/82212647688>. 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: 822 1264 7688. 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 meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating 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. Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,815-N.S. to amend the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 2. FY 2023 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,816-N.S. setting the FY 2023 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0075%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. FY 2023 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,817-N.S. setting the FY 2023 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0058%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. FY 2023 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,818-N.S. setting the FY 2023 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 5. FY 2023 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,819-N.S. setting the FY 2023 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0200%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 6. FY 2023 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,820-N.S. setting the FY 2023 tax rate for Business License Tax on large non-profits at \$0.7573 (75.73 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 7. FY 2023 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,821-N.S. setting the FY 2023 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0433 (4.33 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 8. FY 2023 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,822-N.S. setting the FY 2023 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1126 (11.26 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 9. FY 2023 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,823-N.S. setting the FY 2023 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2039 (20.39 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 10. FY 2023 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,824-N.S. setting the FY 2023 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 11. FY 2023 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,825-N.S. setting the FY 2023 tax rate for funding the provision of emergency services for the disabled at \$0.01932 (1.932 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 12. FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,826-N.S. setting the FY 2023 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473

Consent Calendar

- 13. FY 2023 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,827-N.S. setting the FY 2023 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2583 (25.83 cents) per square foot for dwelling units and \$0.3906 (39.06 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
- 14. 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, December 14, 2021, February 8, 2022, March 22, 2022, and May 10, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 15. 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, March 22, 2022, April 12, 2022, May 10, 2022, and May 31, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

- 16. Extension of Interim Director of Police Accountability Appointment**
From: City Manager
Recommendation: Adopt a Resolution extending the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2022 at an annual salary of \$182,260.65.
Financial Implications: See report
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 17. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of May 5 (closed and special), May 10 (regular), May 17 (closed), May 24 (regular) and May 31 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 18. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 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: \$4,856,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 19. FY 2023 Revision to the Investment Policy and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2023.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 20. Appropriations Limit for FY 2023**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 21. Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from State of California to Conduct Health Promotion Services**
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 to conduct health promotion for the Medi-Cal Administrative Activities (MAA) program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 22. Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution amending contract no. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 23. Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution 1) accepting the City of Berkeley Vision Zero Annual Report for 2021-2022; 2) affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; and 3) directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the “Safer Streets by Everyone: Enforcement” actions described in the Vision Zero Action Plan.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Purchase Order: PB Loader Corporation for Two Chipper Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 080521-PBL bid procedures and authorizing the City Manager to execute a purchase order for two chipper trucks with PB Loader Corporation in an increased amount not to exceed \$400,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 25. Purchase Order: Sonsray Machinery for one CASE Tractor Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 03219-CNH bid procedures and authorizing the City Manager to execute a purchase order for one CASE Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.
Financial Implications: Equipment Replacement Fund - \$165,000.
Contact: Liam Garland, Public Works, (510) 981-6300
- 26. Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term through December 31, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 27. Contract: Sposeto Engineering Inc. for FY 2022 Sidewalk Repair Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the FY 2022 Sidewalk Repair Project; accepting the bid of Sposeto Engineering Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$2,512,152.
Financial Implications: Various Measures - \$2,512,152
Contact: Liam Garland, Public Works, (510) 981-6300
- 28. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$632,750, and extending the contract term through December 31, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 29. Contract No. 10458 Amendment: Alta Planning and Design, Inc. for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 30. Contract No. 10516 (ERMA Contract No. 114128-1) Amendment: Community Design and Architecture for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10516 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 31. Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley increasing the contract amount by \$200,000 for a new not to exceed amount of \$650,000 and extend the contract term through June 30, 2024.
Financial Implications: Various Funds - \$135,500
Contact: Liam Garland, Public Works, (510) 981-6300
- 32. Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$150,000, for a new total not to exceed \$423,534, and extend the authorized term through June 30, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

33. Contract Amendment: East Bay Municipal Utilities District (EBMUD) for Sanitary Sewer Charge and Billing Collection

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the agreement (Contract 9735) with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers. Eligible customers under the CAP program will receive a 35% discount on their sewer charges.

Financial Implications: See Report

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

34. Recommendation to Use Measure FF Funds as Intended by Voters for Firefighting, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness; to Not Reduce General Fund Allocations Towards Fire Services; and to Support Effective Commission Oversight

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) supports revenue generated by the voter-approved Fire, Emergency Services and Wildfire Prevention Tax (Measure FF) going towards services described in the Fire Department's 5-year implementation plan, including:

Wildfire Prevention and Response, Training and Development, EMS Operations, and Dispatch. The Commission has reviewed and provided input on expenditure plans described by the Fire Department and is engaged in the process of providing input and oversight prior to the budget being finalized. As these projects advance and line-item budgets continue to be developed in more detail, the Commission expects to follow up with more specific recommendations on funding allocations.

In order to provide effective oversight of Measure FF spending as resolved by City Council, the Commission needs to have the tools and information necessary to do so. This includes: 1. Thorough and detailed information about spending plans, including detailed line items and staffing numbers, before budgets are finalized and locked in place (as of December 2021, the commission has not been provided a measure FF budget); and 2. An accounting system that will clearly designate spending from the fund, including job codes that are specific to Measure FF, so that the Commission can easily determine staff time spent on Measure FF-funded activities.

Additionally, in allocating funds towards these critical safety improvements, it is imperative that the City ensures that Measure FF funds are used to supplement, rather than replace, general funding of Berkeley Fire Department costs.

Financial Implications: See report

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

Consent Calendar

- 35. Appointment of Mary-Lee Smith and Glenn Turner to Mental Health Commission for the City of Berkeley**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: Mary-Lee Smith as a representative of the Special Public Interest Category (consumer), to complete her first 3- year term beginning June 29, 2022 and ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest Category (family member), to complete her first 3-year term beginning June 29, 2022 and ending June 28, 2025.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

- 36. Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution to suspend Sister City relations with the cities of Dmitrov, Russia and Ulan-Ude until Russian hostilities against Ukraine come to an end.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 37. Support for AB 2156 – Firearms: manufacturers**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Buffy Wicks and the state legislature in support of Assembly Bill 2156, which would prohibit the manufacture of unlicensed firearms and precursor parts, commonly known as “ghost guns.”
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 38. Support for AB-256 (Racial Justice Act for All)**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) and the state legislature in support of Assembly Bill 256, the Racial Justice Act for All, which would apply Kalra’s previous bill, AB 2542 (2020) retroactively to enable appeals of past convictions and sentences made with racial bias.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 39. Parking Minima for Mixed-Use Projects and Manufacturing Districts**
From: Councilmember Taplin (Author)
Recommendation: Refer to the City Manager and Planning Commission to develop amendments to Berkeley Municipal Code Chapter 23 Section 322 and return an Ordinance to Council with such amendments to include the following:
(a) In BMC 23.322.030(B)(1), Table 23.322-2: remove “(residential use only)” from Mixed-Use Residential category; reduce “Live/Work” off-street parking requirements to, at most, 1 space per unit; reduce “Manufacturing” off-street parking requirements to, at most, 1 space per 1,500 gross square feet; reduce off-street parking requirements for “All non-residential uses except uses listed below” to, at most, 1 space per 1,000 square feet.
(b) In BMC 23.322.020(C)(2)(i): reduce district minimum parking requirements to 1 space per 1,000 square feet at most in Manufacturing Districts.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 40. Holding Social Media Companies Accountable for Impacts on Children: Supporting AB 2408 and AB 2273 (Wicks/Cunningham)**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Send a letter in support of AB 2408 “Child users: addiction” and AB 2273 “The California Age-Appropriate Design Code Act” (Wicks/Cunningham) to forward to appropriate colleagues, expressing the City of Berkeley’s support for these bills, which would allow parents to sue social media platforms if their children become addicted and require tech firms to create child-safe producing by creating age-appropriate design code for websites and apps likely to be accessed by children.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action Calendar

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

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

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

Action Calendar – 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.

Action Calendar – Public Hearings

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.

41. Approval and Levy of 2018 Clean Stormwater Fee in FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2023.

Financial Implications: See report

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

42. Levy and Collection of Fiscal Year 2023 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in the Fiscal Year 2023.

Financial Implications: See report

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

43. Transfer Station Rates for FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion adopt a City Council Resolution authorizing the City Manager to:

1. Approve the proposed Transfer Station rates, environmental compliance fee and special material handling charges to be effective August 1, 2022; and
2. Annually review the Transfer Station rates, environmental compliance fee, and special material handling charges, and increase them by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor, as needed; and
3. Rescind the rates and special handling fees approved by City Council Resolution No. 64,575-N.S., adopted July 14, 2009, and as amended by Resolution No. 64,712-N.S., adopted December 6, 2009.

Financial Implications: See report

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

Action Calendar – New Business

44. FY 2023 & FY 2024 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2023 & FY 2024 Biennial Budget as contained in the City Manager's FY 2023 & FY 2024 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on June 14, 2022, and as amended by subsequent Council action.

2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2023, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

45. FY 2023 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$737,068,276 (gross appropriations) and \$620,623,866 (net appropriations).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

46. Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$28,000,000 and the sale and issuance of Fiscal Year 2022-23 Tax and Revenue Anticipation Notes.

Financial Implications: See report

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

Action Calendar – Public Hearings

47. goBerkeley SmartSpace Pilot Program Implementation Recommendations

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

1. Adopt an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations ("pay-by-plate") to improve convenience and enforcement; and

2. Adopt a Resolution approving the pilot proposals to be implemented and evaluated as part of the goBerkeley SmartSpace pilot program.

Financial Implications: See report

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

Action Calendar – New Business

48a. Request for Timely Fiscal Information on Measures FF and GG

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully recommends that Council direct the Fire Department and City Manager provide the Commission with the following fiscal information regarding Measures GG and FF:

1. Base budget documentation for the 22/23 FY (current year) that was approved by Council;
2. Quarterly, preferably monthly, expenditure reports, including a brief narrative describing each line item, with initial reports starting by March 30, 2022, with a published calendar for reporting and
3. The proposed budgets submitted to Council’s Budget and Finance Policy Committee in April, each subsequent revision presented to Council, and the budget that is adopted at the end of the budget process.

The Commission takes seriously the role it has been given by the voters and the City Council to provide oversight and advice to the City Council about the use of Measure GG and FF funds. DFSC commissioners intend to carry out this role but must rely on information from the City Manager and the Fire Department to do so.

Financial Implications: See report

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

48b. Companion Report: Request for Timely Fiscal Information on Measures FF and GG

From: City Manager

Recommendation: The City Manager acknowledges the need to provide accurate, timely, and relevant information to the Disaster and Fire Safety Commission (DFSC). Fire Department Staff has committed to providing the DFSC line item budgets on Measures GG and FF funding plans prior to the budget process cycle as much as feasible. The DFSC can take this opportunity to discuss potential recommendations or issues with Staff with regards to the future spending of the funds. The Fire Department will continue to provide biennial reports on Measure FF as outlined by City Council in accordance to the Adopted Council Resolution No. 69,575–N.S.

Financial Implications: See report

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

Information Reports

49. Voluntary Time Off Program for Fiscal Year 2023

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

50. Annual Update on Wells Fargo Bank’s Community Involvement and Investment in the City of Berkeley

From: City Manager

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

Information Reports

51. **FY 2022 Second Quarter Investment Report: Ended December 31, 2021**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
52. **FY 2022 Third Quarter Investment Report: Ended March 31, 2022**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
53. **HWCAC 2018-2023 Work Plan**
From: Human Welfare and Community Action Commission
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400
54. **Annual Report on LPC Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
55. **Zero Waste Commission Fiscal Year 2022-23 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

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.*

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<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

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 made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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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 June 16, 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 at the City Clerk Department and through [Records Online](#).*

### **Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement**

1. Janis Ching
2. Ann Campbell
3. Angie Schertle
4. Judith Baker

**Item #38: Support for AB-256 (Racial Justice Act for All)**

5. Micael Navarro Lopez
6. Jennifer Coffey
7. Sarah Bush
8. Lilia Goldenberg
9. Brian Hinch

**Berkeley Marina Master Plan/Cesar Chavez Park**

10. Stefani Berger
11. Ryan Turner
12. Erica Citret Roberts

**Covid-19/Masks/Vaccinations/Public Health**

13. Elsa, Ortiz, President, AC Transit Board of Directors
14. Anne-Lise Francois
15. Nina Lyons
16. Vivian Warkentin

**Hopkins Corridor**

17. Shirley Kirsten (2)
18. Lynn Winsten
19. Zelda (2)

**Affordable Housing**

20. David Lerman
21. Avram
22. Geoff Lomax

**Fair Work Week**

23. Rebeca Rozen, on behalf of the Hospital Council of Northern & Central California
24. Julie Sinai, on behalf of LifeLong Medical Care

**Car Free Homes – 26-Story Building at University and Shattuck**

25. Robin Kibby

**Bird Safe Glass**

26. Summer Brenner
27. Gael Alcock

**Property Tax Explosion**

28. Carol Corradi

**People's Park**

29. Diana Bohn
30. Max Ventura

**3219 King Street – Property Taxes Placed on Home**

31. Gloria Carson

**2420 Ashby Avenue – Medical Zoning**

32. Christine Brozowski

**Healthy Black Families Conference**

33. Ayanna Davis, on behalf of Healthy Black Families, Inc.

**City’s New Website**

34. Mark Lowe

**Berkeley Social Housing Pilot**

35. Derek Sagehorn

**African American Holistic Resource Center**

36. Diana Bohn

**Shattuck Cinemas**

37. Charlene Woodcock

**Rodeway Inn**

38. Max Ventura

**Juneteenth Festival**

39. Delores Nochi Cooper

**Thanks from Kala Art Institute**

40. Ellen Lake, on behalf of Kala Art Institute

**Removal of Child from Parents Recommended**

41. Darwin Greenwell

**Community College Constitutional Rights**

42. Benjamin Stein

**Smoking in a Multi-Unit Complex**

43. Anne Marei

**Hazards Created by Bicycle and Skateboard Users**

44. Meryl Siegal

**Huge Piles of Wood Chips**

45. Max Ventura

## **Recurrent Roach Issues at 2020 Kittredge (a CalCHA Building)**

46. Alex Merenkov

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

47. Sam Frankel

48. Margaret Alducin

49. Yoni Mayeri

50. 8 similarly-worded form letters

## **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.