



Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 10 (special), January 17 (regular), January 18 (special), January 30 (closed) and January 31 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 10, 2023 - Special Council Meeting
2. January 17, 2023 - Regular Council Meeting
3. January 18, 2023 - Special Council Meeting
4. January 30, 2023 - Special Closed Council Meeting
5. January 31, 2023 - Special Council Meeting
6. January 31, 2023 - Regular Council Meeting

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

**Tuesday, January 10, 2023  
10:00 AM**

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 – MARK HUMBERT

**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](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/1619573075>. 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: **161 957 3075**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

**Roll Call:** 10:02 a.m.

**Present:** Bartlett, Harrison, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Hahn

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** None.

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

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

## Consent Calendar

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

**From:** City Manager

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, November 29, 2022, and December 13, 2022.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,655–N.S.

## Adjournment

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

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

Adjourned at 10:05 a.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 10, 2023.

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Rose Thomsen, Deputy City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 17, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

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*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.*

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

## Preliminary Matters

**Roll Call:** 6:07 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:12 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** None.

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 6 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 5 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,850-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

  - BMC Section 23.108.020 (Zoning Districts)
  - BMC Section 23.202.020 (Allowed Land Uses)
  - BMC Section 23.202.140 (R-SMU District)
  - BMC Section 23.204.150 (R-BMU District)
  - BMC Section 23.204.020 (Allowed Land Uses)
  - BMC Section 23.204.060 (C-U District)
  - BMC Section 23.204.080 (C-E District)
  - BMC Section 23.204.100 (C-SA District)
  - BMC Section 23.206.040 (Use-Specific Regulations)
  - BMC Section 23.406.050 (Variances)
  - BMC Section 23.502.020 (Glossary)

**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,850–N.S.
  
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,851-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the amount of \$178,289,951 (gross) and \$172,028,412 (net).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See Report.  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,851–N.S.
  
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of November 3 (regular), November 14 (closed), November 15 (special and regular), November 21 (special), November 28 (closed), November 29 (regular), December 6 (regular), December 12 (closed), and December 13, 2022 (special and regular)  
**Financial Implications:** None  
Contact: Mark Numainville, Commission Secretary, (510) 981-6900  
**Action:** Approved the minutes as submitted.

## Consent Calendar

- 4. Approval of donated sculpture gift, Queen Shamiram by Fred Parhad, valued at \$225,000, for inclusion in the City of Berkeley's Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the gift of a sculpture by artist Fred Parhad titled Queen Shamiram, valued at \$225,000, donated by Narsai and Venus David to the City of Berkeley's Public Art Collection. The artwork will be installed for permanent display along the pedestrian path at the southeast corner of Maudelle Shirek Building at Martin Luther King Jr. Way and Allston Way as approved by the Civic Arts Commission.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,656–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 17, 2023**  
**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:** \$3,506,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 6. Contract No. 32000146 Amendment: Aramark for Uniforms and Laundering**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000146 with Aramark Uniform Services to continue to meet the uniform-related needs of City departments, extending the term through FY 2025 and increasing the contract amount by \$550,000 for a total not-to-exceed amount of \$1,017,000.  
**Financial Implications:** \$1,017,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,657–N.S.
- 7. Contract No. 32300064 Amendment: Tiana Sanchez International, LLC for HHCS Equity Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300064 with Tiana Sanchez International, LLC to add \$21,078 and extend the term of the Health, Housing, and Community Services (HHCS) Equity Consultant contract to January 31, 2024 with a not to exceed amount of \$141,078.  
**Financial Implications:** One-Time Grant Fund - \$21,078  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,658–N.S.



## Consent Calendar

- 8. Revenue Grant Agreement: Funding Support from the State of California: California Home Visiting Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the California Home Visiting Program in the projected total amount of \$2,473,611 for July 1, 2022 to June 30, 2028.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,659–N.S.
- 9. \*\*\*Item Removed from the Agenda by the City Manager\*\*\* Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, Police Employees Retiree Income Plan, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements**  
**From: City Manager**  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 10. Establish Classification and Salary – Medical Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to establish the represented classification of Medical Director with a monthly salary range of \$15,671.76 – \$17,802.72.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,660–N.S.
- 11. Contract: Presidio for Micro-Segmentation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to award a contract to Presidio for implementing micro-segmentation for a total not to exceed amount of \$822,512, from January 18, 2023 to June 30, 2028.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,661–N.S.

## Consent Calendar

**12. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at building 1718 8th Street, at James Kenney Park**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Bay Area Hispano Institute for Advancement (BAHIA) to use the building at 1718 8th Street, adjacent to James Kenney Community Center, in James Kenney Park for a 15-year lease term anticipated to begin March 1, 2023 and ending February 1, 2038, with one 5-year option to renew.

**Financial Implications:** See report.

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

**Action:** Adopted first reading of Ordinance No. 7,852–N.S. Second reading scheduled for January 31, 2023.

## Council Consent Items

**13. Support for SB 4: Affordable Housing on Faith Lands Act**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution in support of Senate Bill 4 with amendments, the Affordable Housing on Faith Lands Act, introduced by Senator Scott Weiner. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assemblymember Buffy Wicks.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,662–N.S. revised as follows to add a whereas clause, and to amend the language of the first resolved clause:

*WHEREAS, many religious institutions are housed in buildings that are, or are worthy of being, designated as historic resources, and these historic structures, including but not limited to California's Missions, Berkeley's First Church of Christ Scientist, a Maybeck masterpiece, and San Francisco's Congregation Emanu-El, should be exempt from by-right approvals, and be subject to normal landmarking and zoning processes in their jurisdictions.*

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 4 with amendments to include apprenticeship and training Programs and to exempt historic resources from the provisions of SB4.*

## Council Consent Items

- 14. Twelfth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:**  
1. Adopt a Resolution retroactively co-sponsoring the 12th Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2023.  
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 12th Annual Martin Luther King Jr. celebration, with funds 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 - \$250  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,663–N.S. (Co-Sponsorship). The second part of the recommendation regarding relinquishment of funds was withdrawn by the author.
- 15. Amend Contract No. 32200161 with Community Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200161 with Community Development Partners (CDP) to add \$75,000 to the existing ideation facilitator contract supporting the Equitable Black Berkeley Initiative for a total contact amount not to exceed \$125,000 and extending the contract term to September 30, 2023.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,664–N.S.
- 16. Referral for a Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Refer to the City Manager to conduct a security assessment of the 1700 and 1600 blocks of San Pablo Avenue two months after the City of Berkeley has entered into a lease of real property located at 1720 San Pablo Avenue (hereafter referred to as Berkeley Inn, a 27-room motel). Additional security measures deemed necessary should be implemented as soon as practicable after the security assessment is completed. Recommended aspects of the security assessment and possible security measures are described in the report.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

**17. Resolution in Support of SB-36 (Skinner)**

**From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of SB-36: Out-of-state criminal charges: prosecution related to abortion and gender-affirming care (Skinner) and send copies to Senator Skinner, Assembly Member Wicks and Governor Newsom.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,665–N.S.

**18. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth**

**From: Councilmember Robinson (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, to Pacific Center for Human Growth to assist with urgent lease signing and renovation costs.

**Financial Implications:** Councilmember's Discretionary Funds - \$1,000

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

**Action:** Adopted Resolution No. 70,666–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Taplin - \$1,000; Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$200; Councilmember Hahn - \$300; Councilmember Humbert - \$250.

## Action Calendar – Old Business

**19. Status Report - Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention (Continued from December 13, 2022)**

**From: City Manager**

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

**Action:** 1 speaker. Supplemental material in Supplemental Communications Packet #2 from the Mayor deemed received. Presentation made and discussion held.

## Action Calendar – Public Hearings

### 20. Changes to Selected Camps Program Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 70,193 N.S. and all amendatory resolutions.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,667–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 21. Citywide Affordable Housing Requirements

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance to amending the Berkeley Municipal Code Chapter 23.328, updating the citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance, repealing existing administration and zoning code sections that refer to affordable housing requirements, BMC Section 22.20.065, and Section 23.312.040(A)(6), and updating references to BMC Chapter 23.328 throughout the Berkeley Municipal Code, to become effective on April 1, 2023.
2. Adopt a Resolution establishing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2) upon the effective date of contemporaneously adopted amendments to BMC Section 23.328, and rescind Resolution No. 68,074-N.S. related to fees, exemptions, and administration of inclusionary affordable housing and in-lieu programs upon the effective date of contemporaneously adopted amendments to BMC Section 23.328.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Public Testimony:** The Mayor opened the public hearing. 6 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to:

1. Adopt first reading of Ordinance No. 7,853–N.S. Second reading scheduled for February 14, 2023.
2. Adopt Resolution No. 70,668–N.S.

The item is amended to include the revisions in Supplemental Communications Packet #2 from the Planning and Development Department regarding an exemption for projects of fewer than five units, anti-piecemealing provisions, and calculation of the in-lieu fee based on net residential floor area using the 2020 Affordable Housing Mitigation Fee level.

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

## Action Calendar – Old Business

22. **Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project** (*Continued from December 13, 2022*)  
**From:** Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)  
**Recommendation:** Adopt a Resolution in support of a Trip Reduction Alternative to be included in the scope of the Environmental Impact Report for the Berkeley High School Tennis and Parking Structure Project at 2000 Bancroft Way, and send a copy of Resolution to the Berkeley Unified School District (BUSD) Board of Directors.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Moved to the Consent Calendar for the purpose of referring the item to the 2x2 Committee of the City Council and Berkeley Unified School District Board of Education.

**Public Comment – Items Not Listed on the Agenda - None.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:57 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 17, 2023.

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Rose Thomsen, Deputy City Clerk

## Communications

### Item #21: Citywide Affordable Housing Requirements

1. Trevor Nestor
2. Jason Martens
3. Jane White
4. Ruth Morgan
5. Medina Lam (2)
6. David Lerman

### Tenants Opportunity to Purchase Act (TOPA)

7. Susan Bassein
8. Lynn Cooper
9. Katherine Bierce
10. Sheila Goldmacher
11. Rahel Smith

**Eviction Moratorium**

12. Yoni Mayeri
13. Susan Marchionna
14. Deborah Finch
15. Rob Gong and Maryan Gong
16. Robert Bahme
17. Leor Beary
18. Bhima Sheridan
19. Vincent Casalaina
20. Ben Davis
21. Debbie Woods
22. Jonatan Weldon
23. William Burton
24. Stan Momtchev
25. Sarah Davis
26. Jessica Bolhack

**Hopkins Corridor**

27. Susan Taylor
28. Cindi Goldberg
29. Howard Goldberg
30. Michelle Straka
31. Charles Shiflett
32. Mimi Abers
33. Carol Goines
34. Aliza Elias
35. Wanda Warkentin
36. Diana Bohn (2)
37. Vivian Warkentin
38. Susan McKearnan
39. Donna Dediemar and Daniel Cheng
40. Councilmember Hahn
41. Patrick Gordis (2)
42. Virginia Kamp
43. Dorothea Dorenz
44. Graham Crowe
45. Jeanne Friedman
46. Peggy Radel

**Homelessness**

47. Eve Cowen
48. Friends of Five Creeks (2)
49. Daniel Goldberg
50. Maryann O'Sullivan

**Warming Centers**



- 51. Moni Law (3)
- 52. Robin R.
- 53. Glenn Turner
- 54. Nicholas Townsend
- 55. Katharine Bierce
- 56. Linda Wulf
- 57. Juli Dickey
- 58. Councilmember Harrison
- 59. Carole Marasovic
- 60. Arian Thompson-Lastad

**North Berkeley BART Development**

- 61. David Brandon
- 62. Erika Shore
- 63. Howard Goldberg
- 64. Carol Hirth

**Ashby BART Development**

- 65. Paul Lee
- 66. David Mendelsohn
- 67. Teresa Clarke
- 68. Niloufar Khonsari
- 69. Jane Scantlebury
- 70. Susi Marzuola
- 71. Bhima Sheridan
- 72. Laura Stevens

**Fire Evacuation**

- 73. Margot Smith

**Board Vacancies**

- 74. Hansel Aguilar, on behalf of Police Accountability (2)

**Measure L**

- 75. Mark Lemkin

**Traffic/Roads/Safety**

- 76. Seth Kimball
- 77. Jack Kurzweil
- 78. Benjamin Chica-Betchart
- 79. Vicki Sommer
- 80. Mathew Lewis
- 81. Tom Gantert
- 82. Lauren Schiller
- 83. Eric Friedman

**Guarantee Income Plans**

84. Andrew Hardy

**Parking Regulations in District 2**

85. Cheryl Davila

86. Chadidjah McFall

87. Councilmember Taplin

**Climate Change**

88. Walter Wood

89. Wendy Chou

**Civic Center Report**

90. Margot Smith

**Downtown Building Heights**

91. Erika Shore

**Witness Panel**

92. Jolene Cook

**La Pena Cultural Center**

93. Natalia Neira Retamal

**Berkeley Police Matters**

94. John McMonagle

95. Noah Goldberg

96. Anais-Olephelia Lino

97. Steve Bridges

98. Patty Chou

**Emergency Batteries During Hill Fires**

99. Mary Behm-Steinberg

**People's Park**

100. Atma Das

101. James Mattson

**IKE Kiosks**

102. Cecilia Schall

**Alcohol Sales on San Pablo/University Avenues**

103. Jeff Vincent

**Buy Local In Berkeley**

104. Bob Flasher

**Holiday Street Fair Concerns**

105. Bob Chan, on behalf of Sizzling Lunch

**Harm to Residents at 1865 Euclid Avenue**

106. Shawn Rosenthal

**Future Parks**

107. James Mattson

**Adopt A Drain**

108. Bryce Nesbitt

**Center Street Greenway and Strawberry Creek**

109. Kirstin Miller

**URL's Only**

110. Vivian Warkentin (4)

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Item 19: Status Report – Berkeley's Financial Condition (FY 2012- FY 2021): Pension Liabilities and Infrastructure Need Attention**

111. Supplemental material, submitted by Mayor Arreguin

**Item #21: Citywide Affordable Housing Requirements**

112. Revised material, submitted by Planning and Development

**Item #22: Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project**

113. Martha Cain

114. Bhima Sheridan

115. Charles Siegel

**Supplemental Communications and Reports 3**

**Item 19: Status Report – Berkeley's Financial Condition (FY 2012- FY 2021): Pension Liabilities and Infrastructure Need Attention**

116. Presentation, submitted by the City Manager's Office

**Item #21: Citywide Affordable Housing Requirements**

117. Presentation, submitted by Planning and Development

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

**Wednesday, January 18, 2023  
4:00 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 – MARK HUMBERT

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

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*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 948 6060**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:05 p.m.

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

**Absent:** None.

## Action Calendar – Public Hearings

### 1. Adoption of 2023-2031 Housing Element Update

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to: (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 49 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to accept revisions submitted by the Planning Department in Supplemental 3 for Item 1.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Program 27 - Priority Development Areas (PDAs), Commercial and Transit Corridor of the Housing Element:

- San Pablo Avenue PDA Specific Plan – The City will be developing a San Pablo Avenue Corridor PDA Specific Plan, which will increase allowed densities and/or development capacity; and study design standards, public improvements, and mechanisms to incentivize affordable housing.
- Land Use, Safety, and Environmental Justice Element Update - The City will update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement. These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue.
- Specific Actions and Timeline  
By December 2026, update Land Use, Safety, and Environmental Justice Elements of the General Plan to accommodate greater housing capacity on

## Action Calendar – Public Hearings

commercial and transit corridors, particularly in the highest resource neighborhoods, to achieve consistency among all transit and commercial corridors, and revise the City's zoning map and development standards to be consistent. The City commits to initiate this work within one year of certification of the Housing Element.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Section 5 of Program 29 – Middle Housing of the Housing Element:

- To facilitate the by-right development of Middle Housing, the City will consider eliminating the requirement of a use permit to demolish single-family homes for applications that 1) add net density and 2) have not been occupied by tenants within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.
- Specific Actions and Timeline  
By December 2023, consider amending the Demolition Ordinance to provide a by-right pathway for demolition of single-family homes for projects that add net density and are not tenant-occupied within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.

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

**Action:** M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 70,669–N.S. as amended by the revisions submitted by the Planning Department in Supplemental 3 and incorporating revisions to the Housing Element submitted by Councilmember Kesarwani in Supplemental 2 and further revised at the meeting, to (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 7:25 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 18, 2023.

---

Sarah Bunting, Assistant City Clerk

## Communications

### Item #1: Adoption of 2023-2031 Housing Element Update

1. Sophia DeWitt
2. Tsahai Ungar
3. Joy Chiu
4. Loir Kossowsky
5. Sheila Goldmacher
6. Phil Allen
7. Susan Bassein
8. Alice Armstrong
9. Tuan Ngo
10. Brittney Goodman
11. Tobias Damm-Luhr
12. David Nutt
13. Alice Green
14. Katharine Bierce

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Adoption of 2023-2031 Housing Element Update

15. Supplemental material, submitted by Councilmember Kesarwani
16. Candace Hyde-Wang
17. Lisa Bruce
18. Gregory Lemieux
19. Clifford Fred
20. Berkeley Neighbors for Housing and Climate Action (2)
21. Jodi Ravel
22. Teresa Clarke
23. Andrew Fusco
24. 25 similarly-worded form letters

## Supplemental Communications and Reports 3

### Item #1: Adoption of 2023-2031 Housing Element Update

25. Supplemental material, submitted by Planning and Development
26. Supplemental material, submitted by Councilmember Kesarwani and Mayor Arreguin
27. Presentation, submitted by Planning and Development
28. Senator Nancy Skinner
29. Shirley Dean
30. John Calmeyer

31. Walter Wood
32. Sallie
33. Joaquin Carbonell IV
34. Jonathan Singh
35. Gary Brown and Greg Castillo
36. Henry Symons
37. Vicki Sommer
38. Hannah Pitt
39. Tony Corman
40. David Lerman
41. S. Entwistle
42. Jake Matchett
43. Martin Bourque
44. Diana Bohn
45. Anne-Lise Francois
46. John Parman
47. 6 similarly-worded form letters



**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**MONDAY, JANUARY 30, 2023**

**4:30 P.M.**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 161 326 1723. 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.*

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## Preliminary Matters

**Roll Call:** 4:35 p.m.

**Present:** Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Arreguin

**Absent:** Taplin, Wengraf

**Public Comment - Limited to items on this agenda only – None.**

## CLOSED SESSION:

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

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

- a. Schmier v. City of Berkeley, Alameda County Superior Court Case No. RG19036596
- b. Owens v. City of Berkeley, United States District Court, Northern District, Case No. 22-cv-02715-YGR

**Action:** No reportable action taken.

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

- a. Workers Compensation Appeals Board Case Number: ADJ835942

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

- b. Workers Compensation Appeals Board Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282

**Action:** M/S/C (Harrison/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

- c. Workers Compensation Appeals Board Case Number: ADJ3710721

**Action:** M/S/C (Hahn/Robinson) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

## CLOSED SESSION:

### 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	830 University Ave, Berkeley, California
Agency Negotiators:	Dee Williams-Ridley, City Manager; LaTanya Bellow, Deputy City Manager; Lisa Warhuus, Director of Health, Housing & Community Services
Negotiating parties:	City of Berkeley, Lifelong Medical, Berkeley Free Clinic
Property owner:	City of Berkeley
Under negotiation:	Price and terms

**Action:** No reportable action taken.

## OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ835942.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ3710721.

## Adjournment

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

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

Adjourned at 5:18 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of January 30, 2023 as approved by the Berkeley City Council.

---

Rose Thomsen, Deputy City Clerk

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

**Tuesday, January 31, 2023  
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

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*To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 161 076 1302. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:23 p.m.

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

**Absent:** None

## Action Calendar – New Business

### 1. Provide Direction on Closing the \$3.215M -\$4.515M Funding Gap to Complete Measure T1 Phase 2 Projects

**From:** City Manager

**Recommendation:**

1. Determine whether to fund full replacement or renovation of the African American Holistic Resource Center; and
2. Take action to add new funding, eliminate, or reduce the phase of existing projects to close the Measure T1 Phase 2 funding gap.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Robinson) to accept revised material from the Parks, Recreation, and Waterfront Department on Item 1.

**Vote:** All Ayes.

**Action:** 20 speakers. M/S/C (Arreguin/Harrison) to provide direction to the City Manager to:

1. Fully fund the full replacement of the African American Holistic Resource Center.
2. Fully fund the Turtle Island Monument project.
3. Use the following criteria and return to the City Council with options for how to close the project funding gap:
  - a. Prioritize projects that are public facing and public serving.
  - b. Prioritize projects that have matching funds.
  - c. Prioritize projects that are in significant progress in the planning stage.
4. Look at all funding options including grants, General Fund excess equity, and any additional funding sources to close the funding gap, including potentially deferring projects that do not meet the outlined criteria.
5. Present the funding recommendations, and provide an update on the City's capital improvement projects, to the Budget & Finance Committee for consideration prior to returning to the full City Council.
6. Provide recommendations for the replacement of the African American Holistic Resource Center that reflect a 4,000 square foot project and a 6,000 square foot project.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:25 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 31, 2023.

---

Rose Thomsen, Deputy City Clerk

## Communications

**Item #1: Provide Direction on Closing the \$3.215M -\$4.515M Funding Gap to Complete Measure T1 Phase 2 Projects**

1. Diane Ross-Leech

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

2. Friends of Adeline
3. Toni Mester

## Supplemental Communications and Reports 3

4. Revised material, submitted by Parks, Recreation and Waterfront
5. Presentation, submitted by Parks, Recreation and Waterfront
6. Deb Durant
7. Sally Nelson
8. Wyndy
9. Toni Mester
10. Mansour Id-Deen
11. Eric Friedman
12. Keith Carson, Supervisor Fifth District, County of Alameda
13. Members of the Berkeley Community

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 31, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

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 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 6:43 p.m.

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

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

## Report from Closed Session

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ835942.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ3710721.

## Ceremonial Matters:

1. Presentation: Bay Area Community Land Trust (BACLT)
2. Adjourned in memory of James Reagan, Community Activist
3. Recognizing the Berkeley Maktab Tarighat Oveyssi (M.T.O.) Shahmaghsoudi Center

**City Manager Comments:** None

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



## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

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

**Vote:** All Ayes.

## Recess Items

- 1. Contract No. 32200036 Amendment: Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to modify the sole source contract (Contract No. 32200036) and any amendments with the Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley, to distribute one-twelfth of annual Berkeley Transient Occupancy Tax funds to support tourism marketing and promotion for the period from July 1, 2020 through June 30, 2023.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,670–N.S.
- 2. Contract No. 100692-3 Amendment: Serological Research Institute for DNA Testing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 100692-3 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$500,000 for a total not to exceed amount of \$2,000,000 while the contract expiration will remain June 30, 2025.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,671–N.S.

## Consent Calendar

- 3. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at building 1718 8th Street, at James Kenney Park**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,852-N.S. authorizing the City Manager to execute a lease agreement with Bay Area Hispano Institute for Advancement (BAHIA) to use the building at 1718 8th Street, adjacent to James Kenney Community Center, in James Kenney Park for a 15-year lease term anticipated to begin March 1, 2023 and ending February 1, 2038, with one 5-year option to renew.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,852–N.S.
  
- 4. 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, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, and December 13, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,672–N.S.

## Consent Calendar

**5. 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, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, November 29, 2022, December 13, 2022, and January 10, 2023.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,673–N.S.

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 31, 2023**

**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 - \$33,541,532

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

**Action:** Approved recommendation.

**7. Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents of Berkeley's Very High Fire Hazard Severity Zone**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to \$5 Million to implement a vegetation management program for residents of Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ). Grant funds will be used to develop and deliver public education materials explaining the inspection process and the importance of creating defensible space, assist residents in need of financial assistance to remove vegetation to meet state and local codes, enhance the chipper program, and fund a 3rd party administrator to manage applications and contractor pay schedules.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**Action:** Adopted Resolution No. 70,674–N.S.

## Consent Calendar

- 8. Contract No. 32000202 Amendment: Berkeley Food & Housing Project for Rental Subsidy for the Russell Street Residence**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000202 with Berkeley Food & Housing Project (BFHP) to provide rental subsidies for the Russell Street Residence through June 30, 2023 in an amount not to exceed \$3,400,640. This will extend the existing contract by one year and add \$576,616 in funding.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,675–N.S.
- 9. Contract: AppleOne Employment Services for Temporary Staffing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with AppleOne Employment Services for Temporary Staffing Services, in the amount of \$250,000 for the period of February 1, 2023 through July 31, 2023.  
**Financial Implications:** General Fund - \$250,000  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,676–N.S.
- 10. Contract No. 32000118 Amendment: Nexgen Asset and Work Order Management Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000118 with Nexgen Asset Management to provide additional funding for software maintenance, training and professional services for software enhancements, increasing the amount by \$689,400, for a total not-to-exceed amount of \$1,706,909 through June 30, 2024.  
**Financial Implications:** Various Funds - \$689,400  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,677–N.S.
- 11. 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 additional Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$186,610 for a total amount not-to-exceed \$422,915 and the period beginning January 31, 2023 through December 21, 2023.  
**Financial Implications:** Cost Allocation Fund - \$186,610  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,678–N.S.

## Consent Calendar

- 12. Contract No. 32200183 Amendment: Western Water Features Inc. for the Electrical Renovations at King Swim Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200183 with Western Water Features, Inc. for the electrical renovations at King Swim Center, increasing the contract amount by \$90,000 for a total not to exceed amount of \$1,100,000.  
**Financial Implications:** CIP Fund - \$90,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,679–N.S.
- 13. Contract: California Constructores for Grove Park Field and Playground Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Grove Park Field and Playground Renovation Project, Specification No. 22-11538-C; and 2. Accepting the correction of the sum of bid items for California Constructores' bid; and 3. Accepting the bid of the lowest responsive and responsible bidder, California Constructores; and 4. 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, with California Constructores, for the Grove Park Field and Playground Renovation Project at 2828 Martin Luther King Jr. Way, Berkeley, CA 94703, in an amount not to exceed \$2,483,865, which includes a contract amount consisting of the base bid plus one additive alternate of \$2,159,883 and a 15% contingency in the amount of \$323,982.  
**Financial Implications:** Various Funds - \$2,483,865  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,680–N.S.
- 14. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Review Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$1,000,000 to a new total of \$2,000,000, for additional services related to the review of land use permit applications and environmental review.  
**Financial Implications:** See report  
Contact: Alene Pearson, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 70,681–N.S.

## Consent Calendar

- 15. Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2023 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the Urgent Sewer Repair FY2023 Project, located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,490,427, which includes a 10% contingency of \$135,493.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,682–N.S.
- 16. Contract: Bay Pacific Pipeline, Inc. for Hearst, et al. FY2023 Sanitary Sewer Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Project, located on Hearst Avenue, Scenic Avenue, Euclid Avenue, Le Conte Avenue, Arch Street, Cedar Street, La Loma Avenue, Le Roy Avenue, Piedmont Avenue, Kelsey Street, Palm Court, Russell Street and Backline, Avalon Avenue Backline, Belrose Avenue Backline, University Avenue, Alvarado Road, and Roble Road Backline; 2) accepting the bid of the lowest responsive and responsible bidder, Bay Pacific Pipeline, Inc.; and 3) 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 \$4,417,421, which includes a 10% contingency of \$401,584.  
**Financial Implications:** Sanitary Sewer Fund - \$4,417,421  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,683–N.S.
- 17. \*\*\*Item Removed from the Agenda by the City Manager\*\*\* Authorize a Funding Agreement with AC Transit to supplement the Quick-Build Durant Transit Lane Project**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 18. Contract: Gruendl Inc. DBA Ray's Electric for Martin Luther King Jr. Way Vision Zero Quick Build Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Martin Luther King Jr. Way Vision Zero Quick Build Project, (Project), Specification No. 23-11554-C; 2. Accept the bid of Gruendl Inc. Doing Business As (DBA) Ray's Electric, the lowest responsive and responsible bidder; and 3. Authorize the City Manager to execute a contract with Gruendl Inc. DBA Ray's Electric and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$1,663,900, which includes a contingency of ten percent for unforeseen circumstances.  
**Financial Implications:** Various Funds - \$1,663,900  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,684–N.S.
- 19. Contract: Andes Construction, Inc. for FY2023 Sanitary Sewer Rehabilitation Parnassus Rd, et al. Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Rehabilitation Parnassus Road Project, et al. Project located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and 3) 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 \$4,444,006, which includes a 10% contingency of \$404,001.  
**Financial Implications:** Sanitary Sewer Fund - \$4,444,006  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,685–N.S.

## Council Consent Items

- 20. Parking/Towing Fines & Fees Reform** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:**  
 1. Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.  
 2. Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a. Expand eligibility for the City's parking citations indigent payment plan to encompass

## Council Consent Items

households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b. Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.

3. Refer to the City Manager to: a. Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b. Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income. c. Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d. Look at simplification of payment plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e. Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.

4. Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.

*Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's substitute recommendations as follows:*

*(1) Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.*

*(2) Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a) Expand eligibility for the City's parking citations indigent payment plan to encompass households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b) Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.*

*(3) Refer to the City Manager to: a) Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b) Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income (if at 30% AMI, pay 30% of fee, if at 50%, pay 50% of fee, etc.). c) Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d) Look at simplification of payment*



## Council Consent Items

*plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e) Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.*

*(4) Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.*

**Financial Implications:** See report

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

**Action:** Adopt the recommendation of the Health, Life Enrichment, Equity & Community Committee to: 1. Adopt first reading of Ordinance No. 7,854–N.S. Second reading scheduled for February 14, 2023. 2. Approve recommendation.

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

Recess: 8:43 p.m. – 8:58 p.m.

## Action Calendar – Public Hearings

### 21. ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 12 speakers.

M/S/C (Hahn/Taplin) to close the public hearing.

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

**Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,686–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal, with the Project Plans, received September 1, 2022 (Exhibit B), EIR Addendum for 2065 Kittredge Mixed-Use (Exhibit C), and Supplemental Analysis Memorandum to EIR Addendum, dated September 8, 2022 (Exhibit D) in the supplemental material in the

## Action Calendar – Public Hearings

Supplemental Communications Packet #2 from the Planning and Development Department, and revising the Findings and Conditions to add the following language:

*1. The applicant shall evaluate the feasibility of implementing one or more of the following workforce programs for construction of the Project, but is not required to implement any said program:*

*a. Participate in a joint labor-management apprenticeship program for each trade engaged in construction of the Project;*

*b. Participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of thirty (30) apprentices annually for the five (5) years immediately preceding the Covered Project. The applicant will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the project; or*

*c. Make and require its subcontractors to make hourly contributions to the California Apprenticeship Council (“CAC”) for every apprenticeable craft hour worked on the Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.*

*d. The applicant shall evaluate the feasibility of making Health Care Expenditures of twenty (20) percent to or on behalf of each construction worker working on the Project in addition to their regular hourly wages during the period of employment. The Health Care Expenditures may be made to a health plan in which the construction worker is enrolled, to the construction worker’ health savings account, and/or to the construction worker in the form of cash.*

*Prior to the issuance of a certificate of occupancy, the applicant shall submit a report to the City Manager all steps taken to comply with this condition, as well as the results of the applicant’s feasibility evaluation, and which, if any, program is implemented for the Project, whether Health Care Expenditures are implemented for the Project, and the number of construction worker recipients of Health Care Expenditures for the Project.*

*2. The applicant shall make a good faith effort to attempt to meet a thirty (30) percent goal of all workers on the Project construction site be residents of living within ten (10) miles of the Project site and that, if the applicant fails to achieve such goal, documentation showing good faith efforts made to achieve the goal must be furnished to the City of Berkeley. This paragraph does not negate the requirement by the applicant to meet any other applicable requirements required by law.*

*3. The applicant shall, before obtaining a certificate of occupancy for the Project, furnish an affidavit to the City of Berkeley disclosing the number of union workers for each craft, apprentices, contractors, contractors’ business addresses, number of local workers living within ten (10) miles of the Project site, and Berkeley residents working on the construction workforce for the Project.*

**Vote:** All Ayes.

## Council Action Items

- 22. Resolution Authorizing Regional Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a resolution authorizing the City of Berkeley to request an allocation of Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,687–N.S.
- 23. Outcomes Based Funding, Pay-For-Success and Social Impact Bonds**  
*(Reviewed by the Budget & Finance Committee)*  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Qualified Positive Recommendation from the Berkeley City Council Budget & Finance Committee to:  
Refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only  
*Policy Committee Recommendation: Send the item to the City Council with a Qualified Positive Recommendation to refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only.*  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Moved to the Consent Calendar. Adopted the recommendation of the Budget & Finance Committee.

## Council Action Items

24. **Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee** *(Reviewed by the Agenda & Rules Committee)*

**From: Councilmember Hahn (Author)**

**Recommendation:** That the City Council sets the following deadline: In order to be considered for the June 2023 budget process, Policy Committee Track items (as defined in the City Council Rules of Procedure and Order) that have potential budget implications must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than at the March 6, 2023 meeting (setting the Agenda for the March 21, 2023 Regular Meeting of the City Council).

*Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation that in order to be considered for the budget process that will take place in June 2023, policy committee track items (as defined in the City Council Rules of Procedure), that have the potential for budget implications, must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than its March 6, 2023 meeting.*

**Financial Implications:** See report

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

**Action:** Moved to the Consent Calendar. Adopted the recommendation of the Agenda & Rules Committee, revised to change the deadline to the April 10, 2023 meeting of the Agenda & Rules Committee.

## Information Reports

25. **Updated Sanctuary City Contracting Compliance Report for FY 2021**

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - None.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:53 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 31, 2023.

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Rose Thomsen, Deputy City Clerk

## **Communications**

### **Warming Centers**

1. Stephanie Hung
2. Moni Law
3. Enrique Marisol
4. Laura Cornwall
5. Clara Donovan
6. Lisa Teague
7. Melissa Tomlinson
8. Patty Yao

### **World Housing Crisis**

9. Michelle LePaule

### **Emergency Batteries During Hill Fires**

10. Mary Behm Steinberg

### **Stuart Street Repair**

11. Toby St. John

### **City of Berkeley Hiring Practices**

12. Elana Auerbach

### **Berkeley Police Department Matters**

13. John White
14. Friends of Adeline

### **People's Park**

15. Sandra Morey

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

16. Nicholas Heller

### **Turtle Island Monument**

17. Corrina Gould, on behalf of Confederated Villages of Lisjan Nation
18. Jennifer Lovvorn, on behalf of the Civic Arts Program

### **Visuals for Zoom Meetings**

19. Bryce Nesbitt

### **BUSD Achievement Gap**

20. Barbara Gilbert

### **Crime in Berkeley**

21. Ernie Mansfield

22. Eric Friedman

**IKE Kiosks**

23. Verna Winters

**Demolition Ordinance**

24. Rafa Sonnenfeld

**Youth Representation on Berkeley's Environmental & Climate Commission**

25. Alfred Twu

26. Jasmine Moreira Cortes

27. Liza Lutzker

28. 21 similarly-worded form letters

**Earthquake Zones**

29. Kelly Hammargren

**URL's Only**

30. Vivian Warkentin (2)

**Supplemental Communications and Reports 1**

**Item #20: Parking/Towing Fines & Fees Reform**

31. Eric Friedman

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

32. Courtney Welch, on behalf of the California Housing Defense Fund

**Supplemental Communications and Reports 2**

**Item #2: Contract No.100692-3 Amendment: Serological Research Institute for DNA Testing Services**

33. Elana Auerbach

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

34. Supplemental material, submitted by Planning and Development

**Supplemental Communications and Reports 3**

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

35. Presentation, submitted by Planning and Development

36. Presentation, submitted by Applicant CA Ventures

37. Alisha Pember, on behalf of Adams Broadwell Joseph & Cardozo

38. Todd Williams, on behalf of Fennemore Wendel Law

39. Adam Masters

40. Unknown

**Ceremonial Calendar**

41. Presentation, submitted by Bay Area Community Land Trust