



Office of the City Manager

CONSENT CALENDAR  
September 12, 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 July 10 (special closed), July 11 (regular), July 18 (special), July 24 (special closed and special) and July 25 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 10, 2023 – Special Closed Council Meeting
2. July 11, 2023 – Regular Council Meeting
3. July 18, 2023 – Special Council Meeting
4. July 24, 2023 – Special Closed Council Meeting
5. July 24, 2023 – Special Council Meeting
6. July 25, 2023 – Special Council Meeting
7. July 25, 2023 – Regular Council Meeting

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

**MONDAY, JULY 10, 2023**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

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

*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 encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Remote participation by the public is available through Zoom. 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/1618149511>. 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: **161 814 9511**. 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](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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.*

## Preliminary Matters

**Roll Call:** 4:59 p.m.

**Present:** Taplin, Harrison, Wengraf, Robinson, Arreguín

**Absent:** Kesarwani, Bartlett, Hahn, Humbert

**Public Comment – Limited to items on this agenda only –** 0 speakers.

## CLOSED SESSION:

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

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

*a. Smith v. City of Berkeley, Alameda County Superior Court Case No. 22CV012424*

## OPEN SESSION:

The City Council met in closed session to discuss the matter of Smith v. City of Berkeley, Alameda County Superior Court Case No. 22CV012424, and approved a settlement of that matter in the amount of \$240,000 in exchange for a release of all claims against the City.

## Adjournment

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

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

Adjourned at 5:03 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on July 10, 2023.

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Sarah Bunting, Assistant 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, July 11, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 18315 RAY'S ROAD, CABIN 5, PHILO, CA 95466

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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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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:** 6:17 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:21 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.*

### Report from Closed Session

The City Council met in closed session on July 10, 2023, pursuant to Government Code Sections 54956.9(a) and 54956.9(d)(1) and approved a settlement in the matter of Smith v. City of Berkeley, Alameda County Superior Court Case No. 22CV012424, in the amount of \$240,000 in exchange for a release of all claims against the City.

### Ceremonial Matters:

1. Adjourned in memory of Alan Goldfarb, former Berkeley City Councilmember

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 9 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 49 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,877-N.S. setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473  
**Action:** Adopted second reading of Ordinance No. 7,877–N.S.
- 2. FY 2024 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,878-N.S. setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 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  
**Action:** Adopted second reading of Ordinance No. 7,878–N.S.
- 3. FY 2024 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,879-N.S. adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$728,631,293 (gross appropriations) and \$621,229,929 (net appropriations).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,879–N.S.

## Consent Calendar

- 4. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,880-N.S. adopting a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City.  
**First Reding Vote:** All Ayes.  
**Financial Implications:** Loss of tax revenue  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted second reading of Ordinance No. 7,880–N.S.
- 5. Encampment Resolution Funding Grant Award**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive a \$4,931,058 Encampment Resolution Funding Round 2 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,940–N.S.
- 6. Urgency Ordinance for Leasing the Real Property at 1619 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance to enter into a lease for the real property located at 1619 University Avenue, Berkeley for a term of 60 months.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted urgency Ordinance No. 7,881–N.S.
- 7. Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Berkeley Food and Housing Project to operate an interim housing program at the Super 8 Motel (1619 University Ave.) in an amount not to exceed \$7,295,635 for the period of August 1, 2023 to July 31, 2028  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,941–N.S.

## Consent Calendar

- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 11, 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 - \$482,500  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 9. Contract: Strategic Economics and Street Level Advisors for Affordable Housing Requirements Economic Feasibility Analysis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Strategic Economics as a Contractor and Street Level Advisors as a subcontractor, to conduct an Economic Feasibility Analysis of the Affordable Housing Requirements for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,942–N.S.
- 10. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$68,000 of Mental Health Services Act (MHSA) funding for the Specialized Care Unit for a not-to-exceed total of \$4,568,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,943–N.S.
- 11. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$53,424, bringing the contract total to an amount not to exceed \$109,218 and extending the end date through May 12, 2026.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,944–N.S.



## Consent Calendar

- 12. California Department of Housing and Community Development (HCD) Prohousing Designation Program Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City of Berkeley's application to and participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,945–N.S.
- 13. Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements, and Police Employees Retiree Income Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000226 with MidAmerica Administrative & Retirement Solutions for administration of the SRIP I Disability, Retiree Health Premium Assistance Plan (RHPAP) Health Reimbursement Account (HRA), and Police Employees Retiree Income Plans (PERIP) for the period covering January 1, 2021 through December 31, 2025, for a total cost not to exceed \$233,736.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,946–N.S.
- 14. Contract No. 32300158 Amendment: AppleOne Employment Services for Temporary Staffing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300158 with AppleOne Employment Services for temporary staffing services, to cover the period February 1, 2023 to June 30, 2025, for a total cost not to exceed \$750,000.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,947–N.S.

## Consent Calendar

### 15. Revisions to the Unrepresented Employee Manual

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute changes to the Unrepresented Employee Manual that (1) effectuates merit raises for employees on salary ranges on their anniversary date in their current classification; (2) aligns vacation accrual, longevity pay rates, vacation sell-back policies, and a certification differential for the Fire Chief, the Police Chief, and their deputies with the corresponding provisions of the Memoranda of Understanding with the Berkeley Fire Fighters Association and the Berkeley Police Association; and (3) includes Accounting Office Specialists III among the classifications that qualify for the City Manager Department Differential.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,948–N.S.

### 16. Supplemental Military Leave Compensation Policy

**From: City Manager**

**Recommendation:** Adopt a Resolution extending Resolution No. 63,646-N.S. to offer the City's supplemental military leave compensation benefit retroactively from June 1, 2019 to June 30, 2025 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two (2) years that must be taken within 36 months of the leave request for employees called up to involuntary active military service. To receive the retroactive payment the employee must have been employed with the City of Berkeley at the time of active duty and remained employed with the City of Berkeley at the time of payment.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,949–N.S.

### 17. Accepting grant funds from the Alameda County Transportation Commission for the Berkeley Pier Water Transportation / Ferry Project

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the Alameda County Transportation Commission grant allocation for the Berkeley Pier Water Transportation/ Ferry Project in the amount of \$5,138,685, confirming the City's commitment to the Alameda County Transportation Commission grant requirements, and authorizing the City Manager to execute the associated grant agreement and amendments.

**Financial Implications:** Grant Revenue - \$5,138,685

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

**Action:** Adopted Resolution No. 70,950–N.S.

## Consent Calendar

18. **Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$75,000 for a new not to exceed amount of \$225,000 and extend the contract term from December 20, 2023 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,951–N.S.
19. **Contract No. 32300022 Amendment: Public Safety Family Counseling Group Inc. for Additional Critical Incident Stress Management (CISM), Education and Counseling Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300022 with Public Safety Family Counseling Group Inc. to provide additional CISM Peer Support Team support, education and counselling services, for a total amount not to exceed \$150,000 for a total contract amount not to exceed \$200,000, and extending the term through June 30, 2026.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,952–N.S.
20. **Conduct a Study on the City’s History of Discriminatory Actions in Housing Policies/Programs**  
**From: Housing Advisory Commission**  
**Recommendation:** Conduct a study that is comprehensive of the following actions: - Document the city of Berkeley’s past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city’s on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.  
**Financial Implications:** See report  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400  
**Action:** Approved recommendation and referred to the budget process (Annual Appropriations Ordinance No. 1) to identify funding for the cost of the study.

## Council Consent Items

21. **Berkeley Housing Authority Board of Commissioners Re-Appointments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution re-appointing Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani to the Berkeley Housing Authority Board of Commissioners.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,953–N.S.
22. **Support Rooftop Solar and Battery Storage for Multifamily Housing and Schools**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of viable Virtual Net Energy Metering (VNEM) and Net Energy Metering Aggregation (NEM-A) tariffs. Submit a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,954–N.S.
23. **Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of up to \$5,000 from Mayor Arreguín, and any other Councilmembers, to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, with funds relinquished from the City’s General Fund for the purpose of hiring of grounds keepers and providing the resources needed for the maintenance of the Chavez/Huerta Tribute Site, from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.  
**Financial Implications:** \$5,000 – Mayor’s Discretionary Fund  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,955–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$5,000; Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Taplin - \$250; Councilmember Hahn - \$200; Councilmember Kesarwani - \$100.

## Council Consent Items

- 24. Excused Absence for Vice Mayor Ben Bartlett**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Excuse Vice Mayor Ben Bartlett from the June 6, 2023 Council meeting as a result of an illness of a close family member who needed immediate care.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.
- 25. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.  
**Financial Implications:** \$500 – Councilmember's Discretionary Fund  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,956–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Humbert - \$250; Councilmember Bartlett - \$200; Councilmember Robinson - \$150; Councilmember Hahn - \$250; Councilmember Harrison - \$250.
- 26. Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund.  
**Financial Implications:** \$500 – Councilmember's Discretionary Fund  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,957–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$150; Councilmember Hahn - \$500.

## Council Consent Items

27. **Resolution for unionized employees of REI**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor) Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution of Support for the unionized employees of Recreational Equipment, Inc. (REI) in Berkeley, California that instructs REI to live up to its values, by ceasing to withhold the 2022 “Summit Pay”, and bargain in good faith.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 70,958–N.S.
28. **Relinquishment of Council Office Budget Funds and Co-Sponsorship of the César Chávez Dolores Huerta Tribute Site Curriculum Project**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving an expenditure of D13 funds and cosponsorship of the César Chávez/Dolores Huerta Tribute Site Curriculum Project, with \$250 relinquished to the City’s general fund for this purpose each from Mayor Arreguin’s and Councilmember Harrison’s discretionary Council Office Budget Funds, and from any other Councilmembers who would like to contribute.  
**Financial Implications:** \$250 – Councilmembers’ Discretionary Fund  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,959–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Bartlett - \$200; Councilmember Robinson - \$150; Councilmember Taplin - \$250; Councilmember Hahn - \$200; Councilmember Kesarwani - \$100.
29. **Resolution Opposing Tokyo Electric Power Company and the Government of Japan’s Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a Resolution opposing Tokyo Electric Power Company (TEPCO) and the government of Japan’s plan to discharge wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean and send copies of this resolution to Secretary Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** No action taken.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn; Noes – None; Abstain – Kesarwani, Wengraf, Robinson, Humbert; Arreguin; Absent – None.

Recess 8:54 p.m. – 9:09 p.m.

## Action Calendar – Public Hearings

### 30. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.110 R-4 Multi-Family Residential District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use Specific Regulations (Commercial Districts)
- 23.204.060 C-U University Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Industrial Uses
- 23.206.080 MU-LI Mixed Use-Light Industrial District (Land Use Regulations)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.304.030 Setbacks
- 23.304.040 Building Separation in Residential Districts
- 23.308.020 Applicability and Nonconformities (Emergency Shelters)
- 23.308.030 Standards for Emergency Shelters
- 23.324 Nonconforming Uses, Structures, and Buildings
- 23.324.010 Chapter Purpose
- 23.324.050 Nonconforming Structures and Buildings
- 23.502.020 Glossary

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,882–N.S. Second reading scheduled for July 25, 2023.

**Vote:** All Ayes.

## Action Calendar – New Business

### 31. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by January 2024, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented. Some of our recommendations include: establish retention goals and conduct an analysis of staff needed for city operations and services; consider staff capacity around new legislation; take steps to improve employee satisfaction; identify opportunities for efficiency in the hiring process, and modernize its recruiting process; expand the telework policy to align with best practices; and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** 14 speakers. Supplemental material in Supplemental Communications Packet #2 from the City Auditor deemed received. M/S/C (Arreguin/Harrison) to approve the item.

**Vote:** All Ayes.

**Action:** M/S/Failed (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

**Action:** M/S/Carried (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** All Ayes.

**Action:** M/S/Carried (Humbert/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.

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

### 32. **Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs** **From: City Manager**

**Recommendation:** Adopt a Resolution to create an Affordable Housing Preference Policy applicable to new residential housing units created via the Below Market-Rate (BMR) and the Housing Trust Fund (HTF) programs consistent with Fair Housing law and government funder approvals, and direct the City Manager to adopt guidelines to administer the Housing Preference Policy.

**Financial Implications:** See report.

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

**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,960–N.S.



## Action Calendar – New Business

### 33. Adoption - Civic Center Phase II - Design Concept

**From: City Manager**

**Recommendation:** Adopt a Resolution approving Berkeley's Civic Center Design Concept Plan, and declaring Council's intention to support the preferred design concept and necessary future studies and projects articulated in the plan.

**Financial Implications:** See report.

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

**Action:** M/S/C (Arreguin/Wengraf) to refer Item 33, including the revised material in Supplemental Communications Packet #1 from City Manager's Office, to the Agenda & Rules Committee for scheduling.

**Vote:** All Ayes.

## Council Action Items

### 34. Dedicated Public Comment Time for City of Berkeley Unions

**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor)**

**Recommendation:** Adopt a Resolution (Attachment 3 + Exhibits A and B to the report) revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting to:

1. Create a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, immediately following the existing initial ten-minute period of public comment on non-agenda items.
2. Rescind Resolution No. 70,725–N.S.

**Financial Implications:** None

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

**Action:** 7 speakers. The material in Supplemental Communications Packet #2 from Councilmember Humbert was withdrawn by the author. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,961–N.S.

**Vote:** All Ayes.

## Council Action Items

35. **De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use** *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*  
**From: Health, Life Enrichment, Equity & Community Committee**  
**Recommendation:** Approve the Resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee (Attachment 1), in lieu of the Resolutions provided in the originally referred item and by the Community Health Commission.  
*Policy Committee Recommendation: to send the item to Council with a qualified positive recommendation to approve the Resolution in the form and as amended by the committee. There is no “mark-up” of the CHC resolution because what the Committee decided to pass is a full rewrite.*  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150, Ben Bartlett, Councilmember, District 3, (510) 981-7130, Mark Humbert, Councilmember, District 8, (510) 981-7180  
**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,962–N.S. as recommended by the Health, Life Enrichment, Equity & Community Committee and revised in Supplemental Communications Packet #1 from Councilmember Hahn.

## Information Reports

36. **Annual Report on Landmarks Preservation Commission (LPC) Actions**  
**From: Landmarks Preservation Commission**  
Contact: Fatema Crane, Commission Secretary, (510) 981-7400  
**Action:** Received and filed.
37. **City Auditor Fiscal Year 2024 Audit Plan**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 5 speakers.**

## Adjournment

Adjourned at 11:30 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on July 11, 2023.

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Rose Thomsen, Deputy City Clerk

## Communications

### **Item #18: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

1. Steven Lipson
2. Councilmember Hahn

### **Item #29: Adoption - Civic Center Phase II - Design Concept**

3. Jennifer Lovvron, Civic Arts Commission Secretary
4. Jack Kurzweil
5. Diana Bohn
6. Stephen Most
7. Juliet Lamont and Phil Price
8. Tom and Jane Kelly
9. Rachel Katz
10. Steven Finacom
11. Erin Biehm

### **Hopkins Corridor – Repave and/or Bike Lanes**

12. Kester Allen
13. Janet Stromberg
14. David Brandon
15. Kathleen Haberer
16. Kevin Jones
17. David Sochowitzky
18. Ernesto
19. Kori Kody
20. Jose Arau
21. Marguerite Lee
22. Trarie Kottkamp
23. Lily Liang
24. Verna Winters
25. Constance Anderson
26. Jeffrey Kaplan
27. Susan Taylor
28. Matthew Skinner
29. Theresa Malki
30. David Coolidge
31. Shirley Kirsten
32. Amber Crowley
33. Barbara Gilbert
34. Meryl Siegal
35. Jennifer Winch
36. Jeanne Allan
37. Barbara Englis
38. Peggy Radel
39. Marguerite Tompkins
40. Sheridan Pauker

41. Michael Frantz
42. Rachel Bradley
43. Isabelle Gaston
44. Jan Woo
45. Dahlia Armon
46. Jean Weininger
47. Renate Crocker
48. Paul Elmore
49. Jacqueline Wilson
50. Susan DeMersseman
51. Justin Kao
52. Dan Alpert
53. Katherine de Runtz
54. Catherine Ryan
55. Steven and Judy Lipson
56. Ernie Mansfield
57. Kay Englund
58. Helen Toy
59. Eric
60. Melanie O'Hare
61. Ilyse Gordis
62. Constance Rivemale
63. Janice Murota
64. Rachel Hope Crossman
65. Stephen Wood
66. Ann Campbell
67. Janice Hamer
68. Jeanne Friedman
69. Zara Ortiz
70. Gar Smith
71. Joan Garvin
72. Richard Tamm
73. Grace Munakata
74. George and Wendy Draper
75. Friends of Hopkins Street
76. John Hitchen
77. Jessica Livingston
78. Timothy Ross
79. Kim Markison
80. Fiona Baker
81. Margret Leventhal
82. Pamela Zelnik
83. Shirley Kirsten
84. Bruce Chamberlain
85. Soleil Taylor
86. Jonah Gollub

- 87. Shirley Kirsten
- 88. AJ Romano
- 89. Bill Hackman
- 90. Cindi And Howard Goldberg

**Fire Department Consultant Report**

- 91. Michael Wilson (2)
- 92. Liza Lutzker, on behalf of Walk Bike Berkeley
- 93. Stephen Dalton

**Natural Gas Ban**

- 94. John Caner, on behalf of the Downtown Berkeley Association

**Horse Deaths**

- 95. Nancy Veerhusenb
- 96. Christopher Kroll
- 97. Acacia Schmidt
- 98. TC Conrad

**Celebrating Susan Felix**

- 99. Toby Furash

**Unhoused Toileting Letter**

- 100. Friends of Five Creeks

**Fully Fund African American Holistic Resource Center**

- 101. Boona Cheema

**Kudo's for the Fire Department**

- 102. L.J. Cranmer

**Rent Board Billing Errors**

- 103. Morris

**Healthy 4 Change Health Conference**

- 104. Ayanna Davis, on behalf of Healthy Black Families

**“Read Banned Books”**

- 105. Todd Andrew
- 106. Aimee Reeder, on behalf of the Berkeley Public Library

**1740 San Pablo Multifamily Housing Program**

- 107. Rachel Durney, NorCal Development, BRIDGE

**Overhead Utility Wires**

- 108. Maria Riddle

**Automated License Plate Readers**

- 109. Elana Auerbach
- 110. Diana Bohn

**Surveillance Cameras**

- 111. Toni Mester

**City Dysfunction**

- 112. Bob Flasher

**St. Paul AME Church and Ephesian Church of God Applying for Funding**

- 113. Norma Thompson, on behalf for Community Housing Development Corporation

**Help Business' Get Off the Ground**

- 114. Geoff Lomax

**Fireworks in South Berkeley**

- 115. Pamela Michaud (3)
- 116. Mike Kim

**My Tenant's Rights Stolen by City of Berkeley**

- 117. Deborah Black

**Transphobia in Berkeley and Albany**

- 118. Kirstyn Russell and Melissa Neal

**Asking for Help from the Mayor and Council**

- 119. Benjamin Stein

**URL's Only**

- 120. Vivian Warkentin (3)

**Supplemental Communications and Reports 1**

**Item #4: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

- 121. Fran Haselsteiner
- 122. John Rice

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

- 123. Phoebe Anne Sorgen
- 124. Mico Malecki

**Item #33: Adoption – Civic Center Phase II – Design Concept**

- 125. Revised material, submitted by the Office of Economic Development

- 126. Mike Vanderman
- 127. Charlene Woodcock
- 128. Sally Hughes
- 129. Diana Bohn

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

- 130. Supplemental material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 2**

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

- 131. Seaver Wang, on behalf of The Breakthrough Institute
- 132. Diane Bohn
- 133. Miya Sommers

**Item #31: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

- 134. Supplemental material, submitted by the City Auditor

**Item #32: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**

- 135. Carole Marasovic

**Item #33: Adoption – Civic Center Phase II – Design Concept**

- 136. Chase Hommeyer
- 137. Michael Weber
- 138. Miranda Ewell
- 139. Ruth Morgan
- 140. Summer Brenner
- 141. Drew Goetting, on behalf of Restoration Design Group
- 142. Ann Harlow
- 143. Stefen
- 144. Sylvia Soriano
- 145. Mary Price
- 146. Irene Rice
- 147. Fredrica Drotos
- 148. Dick and Mariko Eastman
- 149. Carolyn Shoulders
- 150. Tom Miller
- 151. Sheila Himmel
- 152. Bernard Marszalek
- 153. Sally Nelson
- 154. Stephen Most
- 155. Margot Cunningham
- 156. Jennifer Ware
- 157. Kathleen Giustino

- 158. Toni Mester
- 159. Nancy Schimmel
- 160. Charles Enchill

**Item #34: Dedicated Public Comment Time for City of Berkeley Unions**

- 161. Supplemental material, submitted by Councilmember Humbert

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

- 162. Camille MacDonald
- 163. Fran Haselsteiner
- 164. Clifton Ross
- 165. Karen Armstead

**Supplemental Communications and Reports 3**

**Item #7: Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**

- 166. Steve Lipson

**Item #28: Relinquishment of Council Office Budget Funds and Co-Sponsorship of the Cesar Chavez Dolores Huerta Tribute Site Curriculum Project**

- 167. Beatriz Leyva-Cutler and Santiago Casal

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

- 168. Tsukuru Fors
- 169. Phoebe Thomas Sorgen
- 170. David McGuire
- 171. Torrance Carroll
- 172. Bindu Desai
- 173. Eva Frye
- 174. Yuka Saito
- 175. Laura Feldman
- 176. Linda Roman
- 177. Liz Taylor
- 178. Jacqueline Cabasso, on behalf of Western States Legal Foundation
- 179. Eri Tomita
- 180. Heiko Hasegawa
- 181. Desiree McGill

**Item #30: Zoning Ordinance Amendments to Title 23 of the Berkeley municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits**

- 182. Presentation, submitted by Planning and Development

**Item #31: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**



- 183. Presentation, submitted by the Auditor
- 184. Presentation, submitted by the City Manager

**Item #32: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**

- 185. Derethia DuVal

**Item #33: Adoption – Civic Center Phase II – Design Concept**

- 186. Linda Currie
- 187. Beth Lamont
- 188. Diane Ross-Leech
- 189. Kelly Hammargren
- 190. Tom Kelly
- 191. Kathleen Giustino
- 192. Erin Diehm
- 193. Andra Mitchell
- 194. Jack Kurzweil

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use**

- 195. Isabelle Gaston

**Miscellaneous Communications**

- 196. Mr. Eid

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

**Tuesday, July 18, 2023  
6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

*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 encouraged. If you are feeling sick, please do not attend the meeting in person.*

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*Remote participation by the public is available through Zoom. 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/1616390973>. 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: **161 639 0973**. 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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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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:** 6:19 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 6:20 p.m.

Councilmember Bartlett present at 6:20 p.m.

## Worksession

### 1. Ashby BART Station Transit-Oriented Development (TOD)

**From:** City Manager

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

**Action:** 32 speakers. Presentation made and discussion held.

### 2. City Policies for Managing Parking Around BART Stations (*Continued from November 29, 2022*)

**From:** City Manager

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

**Action:** Presentation made and discussion held.

## Adjournment

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

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

Adjourned at 10:19 p.m.

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

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Ashby BART Station Transit-Oriented Development (TOD)

1. 9 similarly-worded form letters (heartening))
2. 16 similarly-worded form letters (substation)
3. Sarah Bell
4. Nicole Inaba
5. Becca Schonberg
6. Tawny Reynolds
7. Tom Vosburgh
8. Margaret Wotkyns
9. Anne Holmes
10. Noah Baker
11. Sherry Wang
12. Kathy Vaughn
13. Lee Bishop
14. Oren Cheyette
15. Phyllis Orrick

### Item #2: City Policies for Managing Parking Around BART Stations

16. Bruce Brody
17. Jacki Bernier
18. Sandra Tarbet
19. Eric Cheng
20. Linda Press Wulf
21. Gerald Morrison
22. Richard Laden
23. Barbara Gilbert
24. Adlai Leiby
25. Roberta Spieckerman
26. Caroline and Sam Yunker
27. Cindy Shamban
28. Meryl Siegal
29. Richard Tamm
30. Leslie Valas

## Supplemental Communications and Reports 3

### Item #1: Ashby BART Station Transit-Oriented Development (TOD)

31. Presentation (Transit-Oriented Development), submitted by Planning and Development
32. Presentation (Transit-Oriented Development), submitted by BART
33. Jordan Klein, Director, Department of Planning & Development
34. Liz Exter
35. Kate Pocrass
36. Derek Sagehorn
37. Jack Kurzweil
38. Vishal Ganesan
39. Teresa Clarke
40. Peter Waller
41. Kitt Saginor

42. Kris Stangl
43. Abbie Turiansky
44. Ariella Granett
45. Serena Lim
46. Mike Wilson
47. Jenn Guitart
48. Todd Andrew
49. Michai Freeman
50. Joaquin Carbonell

**Item #2: City Policies for Managing Parking Around BART Stations**

51. Elizabeth Horowitz
52. Nicole Corsini
53. Tammy Stellanova
54. Tony Corman
55. Christine and David Goldin
56. Victoria Kahn
57. Phil Allen
58. Liz Exter
59. Helene Silverberg
60. Meryl Siegal
61. Laura Klein
62. Vicki Sommer (3)
63. Claudia Valas
64. Michael Lonergan
65. Igor Tregub
66. Councilmember Kesarwani
67. Cheryl Brewster
68. Janice Murota
69. David Brandon
70. S. Entsistle
71. Doris Nassiry

## MINUTES BERKELEY CITY COUNCIL SPECIAL MEETING

**MONDAY, JULY 24, 2023**

**3:00 P.M.**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

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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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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.*

## Preliminary Matters

**Roll Call:** 3:10 p.m.

**Present:** Humbert, Robinson, Taplin, Wengraf, Arreguin

**Absent:** Bartlett, Hahn, Harrison, Kesarwani

Councilmember Hahn present at 3:14 p.m.

Councilmember Kesarwani present at 3:24 p.m.

**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—ANTICIPATED LITIGATION PRUSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

a. Workers Compensation Appeals Board Case Number: ADJ10187918

**Action:** M/S/C (Arreguin/Hahn) to provide direction to workers' compensation counsel and approve a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ10187918.

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

Councilmember Robinson absent 4:15 p.m. – 4:22 p.m.

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

a. California River Watch – Notice of Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act), attached as required by Fowler v. City of Lafayette (2020) 46 Cal. App. 5th 360

**Action:** No reportable action taken.

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

a. Property Address:	1900 Addison, Suite 300-350, Berkeley, California
Agency Negotiators:	Hansel Aguilar, Director of Police Accountability, Dionne Early, Public Works Real Property
Negotiating Parties:	City of Berkeley and SG Real Estate, Inc. on behalf of the Shamszad Family Living Trust
Property Owner:	Sasha and Merideth Shamszad
Under negotiation:	Price and terms

**Action:** No reportable action taken.

**4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Unrepresented Employees

**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 July 24, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to workers' compensation counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ10187918.

**Adjournment**

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

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

Adjourned at 5:49 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 24, 2023 as approved by the Berkeley City Council.

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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  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Monday, July 24, 2023  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

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:** 6:25 p.m.

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

**Absent:** Harrison

## Action Calendar – Public Hearings

### 1. **ZAB Appeal: 2720 Hillegass Avenue, Willard Park, Use Permit/Variance #ZP2022-0095**

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve a Use Permit and Variance to demolish and replace/expand the existing recreation building and public restroom (community center), with a reduced rear setback, and to construct a stand-alone public restroom building and a trash enclosure, within an existing public park, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 49 speakers.

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

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

**Action:** M/S/C (Robinson/Taplin) to adopt Resolution No. 70,963–N.S. affirming the Zoning Adjustments Board decision to approve a Use Permit and Variance to demolish and replace/expand the existing recreation building and public restroom (community center), with a reduced rear setback, and to construct a stand-alone public restroom building and a trash enclosure, within an existing public park, and dismiss the appeal, with the following revisions:

1. Add a condition that there be no amplified sound indoors after 9:00 p.m.
2. Revise the variance findings to include the following language:

*-Exceptional Circumstances: The variance is necessary to build the community center because of the unusual shape and size of the lot. The unusual fact that the yard is measured at odd points necessitates the setback because of the strict application of the zoning ordinance, based on the definition of a front lot line, requires a 20-foot rear setback along the stepped southern lot line. The residential lots that directly abut or are adjacent to the subject parcel are oriented so that their frontage is on Hillegass Avenue for the east parcels, and the improved portion of Regent Street for the western parcels. This means that the northern and southern property lines of the remaining parcels on the block are side lot lines. Whereas other properties on this full block are only required a 4-foot side setback from their north and south lot lines, the subject parcel is required to have a 20-foot rear setback. The location of the Coast Live Oak north of the building along the Hillegass frontage also requires a setback because it would reduce impacts to the root system.*

*-No Material Impact on Health or Safety: The variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements for a number of reasons, including because the resulting 16-foot setback will in fact be larger than the existing 11 foot-8 inch setback.*

*-Promotion of Health, Welfare & Safety: The variance will promote municipal health, welfare, and safety because the community center and park is the site of a City of Berkeley after-school and summer day camp program for 45 children, with a 25-children waiting list. The park is one of the few places in the area that provides City-owned public open space. This variance would allow the community center to serve 60 children with after-school programs as well as provide the community with additional recreational opportunities such as tennis, exercise classes, and other events for youth as well as ancillary infrastructure such as safe and adequate bathrooms.*

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

## Adjournment

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

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

Adjourned at 9:40 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting held on July 24, 2023.

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Rose Thomsen, Deputy City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: ZAB Appeal: 2720 Hillegass Avenue, Willard Park, Use Permit/Variance #ZP2022-0095**

1. Barbara Tuleja
2. Jessica Bylo
3. Joshua Abrams
4. Caroline Massad Francis
5. Bill Williams
6. Vivian White
7. Emily White

8. Kate Gordon
9. Laura King
10. Ben Gerhardstein
11. Chelle Putzer
12. Marti Grubb
13. Claire Greene, Walter Garms and Natalie Garms
14. Nick Roosevelt
15. Stephanie Boys
16. Kathleen Crandall
17. Locke Schultz Jaeger
18. Mary Thompson
19. Tom Miller and Tran T. Nhu
20. Barry Fike
21. Ginger Ogle
22. Richard King
23. Peg Bogle
24. Orli Cotel
25. Katherine Ramage
26. Carrie Gray
27. MacKenzie Smith
28. R.J. Godin
29. Debbie LeVeen
30. David Lehrer
31. Gordon Wozniak
32. Brian M. Wong and Scott T. Hofmeister
33. Lori Droste
34. Mary Oram
35. Rana Cho, Rohini Haar, Justin Randall, Heather Ball
36. Peter Liederman
37. Rachel Hope Crossman
38. Kamala Asher
39. Marc Hedlund
40. Madeline Feingold
41. Todd Andrew
42. Helen Marcus
43. Theo Gordon
44. Ben Gould
45. 119 similarly-worded form letters

### **Supplemental Communications and Reports 3**

#### **Item #1: ZAB Appeal: 2720 Hillegass Avenue, Willard Park, Use Permit/Variance #ZP2022-0095**

46. Presentation, submitted by Planning and Development
47. Presentation, submitted by Parks, Recreation and Waterfront
48. Alex Stec
49. Caitlin Lempres Brostrom
50. Ben Finkel
51. Max Ventura
52. Vincent Casalaina
53. Larry Hendel

- 54. Harvey Smith
- 55. Zach Stewart
- 56. Mary Oram
- 57. Carla Woodworth
- 58. Willard Neighborhood Association
- 59. Friends of Willard Park
- 60. 10 similarly-worded form letters

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

**Tuesday, July 25, 2023  
4:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

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:** 4:10 p.m.

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

**Absent:** Kesarwani, Bartlett, Harrison

Councilmember Kesarwani present at 4:16 p.m.

Councilmember Bartlett present at 4:39 p.m.

## Action Calendar

1. **Civic Center Phase II - Design Concept** (*Continued from July 11, 2023*) (*Item contains revised material.*)

**From:** City Manager

**Recommendation:** Adopt a Resolution approving Berkeley's Civic Center Design Concept, and declaring Council's intention to support the preferred design concept and necessary future studies articulated in the plan and directing staff to pursue the next steps identified in the plan, including seeking funding and conducting further studies.

**Financial Implications:** See report

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

**Action:** 17 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,964–N.S. as amended in the revised materials from the City Manager included with the item, and further amended to include that "the highest priority of the Council is the seismic retrofit and best use of the historic buildings in accordance with the Council's direction in the approved plan." The Council provided direction to the City Manager to 1) explore full and partial creek restoration; 2) Ensure a home for the Farmers Market in the Civic Center; and 3) develop cost and feasibility information on building out additional spaces in the Veterans' Building courtyard for arts and cultural uses.

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

## Adjournment

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

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

Adjourned at 6:03 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting held on July 25, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Civic Center Phase II – Design Concept

1. Karen Dabrusin
2. John Roberts
3. George Speckman
4. Almira Tanner
5. Gayle Paul
6. Angelica Karakat
7. Aimee Baldwin
8. Christopher Kroll
9. Richard Schwartz
10. Sally Hughes
11. Summer Brenner
12. Michael Weber
13. Sally Nelson
14. Irene Rice
15. Sylvia Soriano
16. Kelly Hammargren
17. Toni Mester

## Supplemental Communications and Reports 3

### Item #1: Civic Center Phase II – Design Concept

18. Presentation, submitted by the Office of Economic Development
19. Aimee Baldwin
20. Stephanie Thomas
21. Sierra Club
22. Erin Diehm
23. Meryl Siegal
24. Christopher Kroll
25. Anonymous



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 25, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

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## Preliminary Matters

**Roll Call:** 6:27 p.m.

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

**Absent:** Harrison

**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 Chochochenyo (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:

1. Recognition of the 25<sup>th</sup> Anniversary of the Berkeley Path Wanderers

### City Manager Comments:

The City Manager requested that Item 36 regarding ADUs be continued to September 19, 2023.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Excused Absence for Councilmember Kate Harrison.

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

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from the Sugar-Sweetened Beverage Product Panel of Experts pursuant to Government Code Section 54954.2(b)(2) entitled Grant Allocation: Approve Healthy Berkeley Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs) for FY24 and FY25 Grant Cycle.

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

**Action:** M/S/C (Arreguin/Hahn) to accept revised material for Item 12 from the City Manager.

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

## Consent Calendar

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

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

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

Recess 8:37 p.m. – 9:00 p.m.

**Urgent Item: Grant Allocation: Approve Healthy Berkeley Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs) for FY24 and FY25 Grant Cycle**

**From: Sugar-Sweetened Beverage Product Panel of Experts Commission**

**Recommendation:** Approve the SSBPPE Commission's recommendations and adopt eight (8) Resolutions authorizing the City Manager or her designee to enter into contracts with the Berkeley Unified School District (BUSD) and the Community-Based Organizations (CBOs) listed below to distribute a total of \$1,495,180 for FY 2024 and FY 2025 according to the following schedule:

1. \$705,056.05 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2024 and FY 2025 to be disbursed as follows: \$352,528.03 in FY 2024 and \$352,528.02 in FY 2025.
2. \$85,864.90 total grant to Bay Area Community Resources to implement the Healthy Options at Point of Sale program to be disbursed as follows: \$42,932.45 in FY 2024 and \$42,932.45 in FY 2025.
3. \$106,150.00 total grant to Berkeley Youth Alternatives to implement the Urban Agriculture and Team Nutrition Program to be disbursed as follows: \$53,075.00 in FY 2024 and \$53,075.00 in FY 2025.
4. \$100,378.30 total grant to Ecology Center to implement the For Thirst, Water First! program to be disbursed as follows: \$50,189.15 in FY 2024 and \$50,189.15 in FY 2025.
5. \$130,433.05 total grant to Lifelong Medical Care to implement the Healthy Berkeley, Chronic Disease and Oral Health Prevention program to be disbursed as follows: \$65,216.53 in FY 2024 and \$65,216.52 in FY 2025.
6. \$55,000.00 total grant to Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program to be disbursed as follows: \$27,500.00 in FY 2024 and \$27,500.00 in FY 2025.
7. \$96,923.20 total grant to YMCA of the East Bay to implement the YMCA Healthy Me! program to be disbursed as follows: \$48,461.60 in FY 2024 and \$48,461.60 in FY 2025.
8. \$215,374.50 total grant to Healthy Black Families to implement the Thirsty for Change! (T4C) program to be disbursed as follows: \$107,687.25 in FY 2024 and \$107,687.25 in FY 2025.
9. The Commission recommends that indirect or administrative expenses not exceed 10% of the program budget for any entity and that the funds awarded not be used to supplant any other source of funding.
10. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in

## Consent Calendar

FY 2024 and FY 2025. The advances are to be equivalent to 25% of the agency's allocation.

**Financial Implications:** See report

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

**Action:** Approved the recommendation and adopted Resolution No. 70,965–N.S. (BUSD), Resolution No. 70,966–N.S. (BACR), Resolution No. 70,967–N.S. (BYA), Resolution No. 70,968–N.S. (EC), Resolution No. 70,969–N.S. (LMC), Resolution No. 70,970–N.S. (MI), Resolution No. 70,971–N.S. (YMCA), and Resolution No. 70,972–N.S. (HBF).

### **Urgent Item: Excused Absence for Councilmember Kate Harrison**

**From: Mayor Arreguin (Author)**

**Recommendation:** Excuse Councilmember Kate Harrison from the July 25, 2023 Council meeting as a result of illness.

**Financial Implications:** None

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

**Action:** Approved recommendation.

## Consent Calendar

### 1. **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,882-N.S amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.110 R-4 Multi-Family Residential District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use Specific Regulations (Commercial Districts)
- 23.204.060 C-U University Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Industrial Uses
- 23.206.080 MU-LI Mixed Use-Light Industrial District (Land Use Regulations)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.304.030 Setbacks
- 23.304.040 Building Separation in Residential Districts
- 23.308.020 Applicability and Nonconformities (Emergency Shelters)
- 23.308.030 Standards for Emergency Shelters
- 23.324 Nonconforming Uses, Structures, and Buildings
- 23.324.010 Chapter Purpose
- 23.324.050 Nonconforming Structures and Buildings
- 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. 7,882–N.S.

### 2. **Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of June 6 (regular), June 13 (regular), June 20 (special closed and special) and June 27 (regular)

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

## Consent Calendar

### 3. **Voting Delegates – League of California Cities Annual Conference**

**From: City Manager**

**Recommendation:** Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 22, 2023, in Sacramento.

**Financial Implications:** See report

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

**Action:** Designated Councilmember Taplin as the voting delegate and Councilmember Humbert as the alternate.

### 4. **Contract: Berkeley Convention and Visitor's Bureau, d.b.a. Visit Berkeley**

**From: City Manager**

**Recommendation:** Adopt a Resolution allowing the City Manager to execute a sole source contract 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, 2023 through June 30, 2027 for a not to exceed amount of \$3,500,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,973–N.S.

### 5. **Contracts: Turtle Island Monument, Scott Parsons and Artworks Foundry LLC**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute the following artwork contracts and any amendments for the City of Berkeley's Turtle Island Monument at Martin Luther King Jr. Civic Center Park with contract periods of July 1, 2023 through March 30, 2025:

1. Scott Parsons - for fabrication of three new stone medallions, purchase of twelve selected boulders into which seven existing art medallions will be installed, purchase of granite base stone material for mounting of five bronze turtles for an amount not to exceed \$236,000.

2. Artworks Foundry - for fabrication of a large central bronze turtle sculpture for Turtle Island Monument for an amount not to exceed \$350,000.

**Financial Implications:**

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

**Action:** Adopted Resolution No. 70,974–N.S. (Scott Parsons), and Resolution No. 70,975–N.S. (Artworks Foundry).

## Consent Calendar

- 6. Contract No. 117596-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2024, increasing the contract amount by \$35,000 for a new total contract amount not to exceed \$102,218 and extending the terms of the contract to July 25, 2026.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,976–N.S.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 25, 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 - \$885,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 8. Contract Amendment: Cooke and Associates for Applicant Background Investigations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke and Associates to expand capacity to perform background investigation services from \$50,000 to an amount not to exceed \$300,000 from August 1, 2023 through July 31, 2026.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473, Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,977–N.S.
- 9. Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**  
**From: City Manager**  
**Recommendation:** Adopt ten Resolutions authorizing the City Manager or her designee to execute the following contracts, which are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS) and Prevention and Early Intervention (PEI), increasing the contract amounts as outlined below, and extending the contracts through June 30, 2026:  
1. Increasing CSS Contract No. 108800-1 with Bay Area Hearing Voices Network by \$46,941 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$325,678 for hearing voices support groups;

## Consent Calendar

2. Increasing CSS Contract No. 31900132 with Building Opportunities for Self-Sufficiency by \$100,000 per year from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$700,000 for representative payee services;
3. Increasing CSS Contract No. 32200130 with Alameda County Behavioral Health Care Services by \$491,933 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$2,459,665 for Wellness Center operations;
4. Increasing CSS Contract No. 32000117 with Insight Housing (formerly Berkeley Food and Housing Project) for \$626,616 per year for three years from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$5,286,488 for supportive housing services;
5. Increasing CSS Contract No. 32000094 with Youth Spirit Artworks by \$132,046 per year for three years for Transition Age Youth case management and trauma support services from Mental Health Services Act (Fund #315), and \$78,000 for Fiscal Year 2024 for Tiny House Village housing services from Measure P (Fund #011), for a total contract amount not to exceed \$1,211,230;
6. Increasing PEI Contract No. 32000240 with Berkeley Unified School District by \$401,389 per year from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$2,598,334 for services to support Berkeley students;
7. Increasing PEI Contract No. 088999-1 with Center for Independent Living by \$32,046 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$448,860 for services to support older adults;
8. Increasing PEI Contract No. 052129-1 with Pacific Center for Human Growth by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$815,150 for services to support the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Agender, Plus (LGBTQIA+) population;
9. Increasing PEI Contract No. 32200146 with ONTRACK Program Resources by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$475,000 for services to support African Americans;
10. Increasing PEI Contract No. 3200111 with East Bay Sanctuary Covenant by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$500,000 for services to support the Latinx, Latina, Latino population.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
 Approved the recommendation and adopted Resolution No. 70,978–N.S. (Contract No. 108800-1), Resolution No. 70,979–N.S. (Contract No. 31900132), Resolution No. 70,980–N.S. (Contract No. 32200130), Resolution No. 70,981–N.S. (Contract No. 32000117), Resolution No. 70,982–N.S. (Contract No. 32000094), Resolution No. 70,983–N.S. (Contract No. 32000240), Resolution No. 70,984–N.S. (Contract No. 088999-1), Resolution No. 70,985–N.S. (Contract No. 052129-1), Resolution No. 70,986–N.S. (Contract No. 32200146) and Resolution No. 70,987–N.S. (Contract No. 3200111).



## Consent Calendar

- 10. Contract No. 32300138 Amendment: Prevention and Early Intervention Statewide Project - California Mental Health Services Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300138 with the California Mental Health Services Authority (CalMHSA) to execute a Participation Agreement for Fiscal Year 2024 for the Prevention and Early Intervention (PEI) Statewide Project and allocate Mental Health Services Act (MHSA) funds in the amount of \$93,027, for a total amount not to exceed \$163,934 through June 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,988–N.S.
- 11. Contract: 2 Plus 1 Housing Resolution Services for Harriet Tubman Terrace Tenant Advocate**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract for professional services with the vendor 2 Plus 1 Housing Resolution Services for a Harriet Tubman Terrace Tenant Advocate for the Department of Health, Housing, and Community Services (HHCS) from August 1, 2023 to July 31, 2024 in an amount not to exceed \$100,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,989–N.S.
- 12. Mental Health Services Act (MHSA) Fiscal Years 2024-2026 Three Year Program and Expenditure Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act Fiscal Years 2024-2026 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,990–N.S. as revised in the materials submitted at the meeting by the City Manager.

## Consent Calendar

- 13. Reserving Predevelopment Funds BRIDGE Housing Corporation to Support the Development of Affordable Housing at the North Berkeley BART Site**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Reserving \$1,500,000 in Affordable Housing Mitigation Fee funds to BRIDGE Housing Corporation (BRIDGE) or its affiliate to support master planning and predevelopment activities related to the development of affordable housing at the North Berkeley BART site. 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,991–N.S.
- 14. Establish Classification and Salary Range – Deputy Police Chief**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the unrepresented classification of Deputy Police Chief with an hourly salary range of \$96.1538 - \$125.0000, and an annual salary range of \$200,000.0000 - \$260,000.0000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,992–N.S.
- 15. Salary Range Adjustments: Senior Building Maintenance Supervisor, Senior Equipment Supervisor, Senior Public Works Supervisor, and Senior Solid Waste Supervisor**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,997-N.S., Salary Resolution for Public Employees Union (PEU) – Local 1, to increase the salary range of the Senior Building Maintenance Supervisor by 9.30%; Senior Equipment Supervisor by 13.00%; Senior Public Works Supervisor by 8.53%; and Senior Solid Waste Supervisor by 8.53%, effective January 1, 2023.  
This Resolution follows Council consideration of this item in Closed Session on May 1, 2023.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,993–N.S.

## Consent Calendar

- 16. Piggyback Contract – SmartWave for City Facility Managed Wi-Fi**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract which aligns with the City of Tucson, AZ existing contract and amendments, to provide managed Wi-Fi throughout City of Berkeley facilities in an amount of \$325,000 with an option to extend ongoing Operations and Maintenance (O&M) for an additional year for a total contract value not to exceed \$370,000 through FY2025.  
**Financial Implications:** IT's Cost Allocation Fund - \$370,000  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,994–N.S.
- 17. Side Letter Agreement: Hornblower Sublease**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter Agreement with 200 Marina Boulevard, Berkeley, LLC to memorialize the terms and amount of Hornblower sublease rent payments and the City's consent to the Hornblower sublease at the Doubletree Hotel at the Berkeley Waterfront.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,995–N.S.
- 18. Contract No. 32200183 Amendment: Western Water Features Inc. for 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 renovations at King Swim Center, increasing the contract amount by \$79,000 for a total not to exceed amount of \$1,179,000.  
**Financial Implications:** \$1,179,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,996–N.S.

## Consent Calendar

### 19. **\$5.5M Loan for D and E Dock Project In Berkeley Marina**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to implement one of the following options: (1) execute an Amendment to the existing \$5.5M Loan Agreement with the State Division of Boating and Waterways, based on one of four proposed alternatives described in the Current Situation section of the report;

-OR-

(2) adopt a resolution authorizing the City Manager to implement an internal loan of \$5.5M from the Workers Compensation Fund and/or the Stability Reserve Fund and/or Catastrophic Reserve Fund as determined by the City Manager, and repay this loan from the Transient Occupancy Tax revenue and/or the Marina Fund with the terms to be determined by the City Manager.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,997–N.S. to approve Option 2 as revised in Supplemental Communications Packet #2 by the City Manager, with a new final resolved clause to read:

*NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes an internal loan of \$5.5M from the Workers Compensation Fund, and repayment of this loan using the total amount of Transient Occupancy Tax (TOT) revenue generated in the Waterfront starting in FY25 until the loan is paid off, plus an additional \$500,000 one-time interest payment from the TOT.*

### 20. **Accept Grant Funds from the Governor’s Office of Planning and Research to Create a New Environmental Justice Element, Update the General Plan Disaster Preparedness & Safety Element, and Develop Community-Driven Climate and Resilience Metrics**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to accept the California Governor’s Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of \$497,042, and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,998–N.S.

## Consent Calendar

- 21. Authorize an Agreement with AC Transit to Provide Funding for Transit Shelter Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a funding agreement between the City of Berkeley and the Alameda-Contra Costa Transit District (AC Transit) to provide an amount not to exceed \$110,000 over five years to support transit shelter and bench maintenance.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,999–N.S.
- 22. Contract No. 32100127 Amendment: Benefit Resource, Inc. for Third-Party Administrator of the Employee Commute Benefit Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Benefit Resource, Inc., (BRI) to provide third-party administrator services for the City of Berkeley's Employee Commute Benefit Program for an amount not to exceed \$50,000 for a total contract not to exceed of \$100,000 and extending the term through February 28, 2025.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,000–N.S.
- 23. Contract No. 32000128 Amendment: WSP USA Environment & Infrastructure Inc. (formerly Wood Environment & Infrastructure Solutions, Inc.) for On-Call Environmental Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000128 with WSP USA Environment & Infrastructure Inc. (formerly Wood Environment & Infrastructure Solutions, Inc.) to increase the contract for on-call environmental consulting services by \$500,000 for a new not to exceed amount of \$1,200,000 and extend the contract term through December 30, 2026.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,001–N.S.

## Consent Calendar

- 24. Contract No. 32000145 Amendment: Zonar Systems, Inc. for Global Positioning System Telematics Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000145 with Zonar Systems, Inc. for global positioning system telematics program, increasing the amount by \$200,000 for a total amount not to exceed \$478,698 and extending the term through June 30, 2026.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,002–N.S.
- 25. Contract No. 32100070 Amendment: Urban Ore, Inc. for Salvage Operations at the City of Berkeley Transfer Station**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100070 with Urban Ore, Inc. for salvage operations of reusable materials at the City's Transfer Station increasing the not to exceed amount by \$75,272 for a new not to exceed amount of \$189,848 and extending the term through June 30, 2025.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,003–N.S.
- 26. Contract: R & S Erection of Richmond, Inc. for On-Call Roll Up Door and Gate Maintenance and Replacement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments and extensions, with R & S Erection of Richmond, Inc. for the ongoing maintenance, urgent repairs and replacement of roll up doors in an amount not to exceed \$300,000 for the period of August 1, 2023 through July 31, 2026.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,004–N.S.

## Consent Calendar

27. **Contract: Wood Rodgers, Inc. for Stormwater Master Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a professional services contract with Wood Rodgers, Inc. in an amount not to exceed \$1,900,000 for the development of a comprehensive Stormwater Master Plan (SWMP). A comprehensive SWMP would identify key deficiencies in the stormwater system, prioritize capital improvement projects, identify funding needs, develop City specific drainage design standards, and update maintenance and inspection plan for stormwater facilities.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,005–N.S.
28. **Contract: Disability Access Consultants for On-Call American with Disabilities Act Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Disability Access Consultants (DAC) for on-call American with Disabilities Act consulting services to provide support to the City of Berkeley's Disability Compliance Program, for up to three years in an amount not to exceed \$300,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,006–N.S.
29. **Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** See policy committee recommendation.  
*Policy Committee Recommendation: Send the item to Council with a positive recommendation.*  
**Financial Implications:** None  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Accepted the item as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

## Consent Calendar

- 30. Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** See policy committee recommendation.  
*Policy Committee Recommendation: Send the item to Council with a positive recommendation.*  
**Financial Implications:** None  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Accepted the item as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 31. Resolution to Adopt a City-Wide “Care First, Jails Last” Policy**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution adopting a city-wide “Care First, Jails Last” policy that prioritizes the use and/or development of a continuum of care for individuals with mental illness, substance use, or co-occurring disorders rather than incarceration. Require City departments that have contact with the public to revise policies, procedures, and practices to reflect this priority and policy resolution. Require City Council to use this priority and policy resolution to inform budgetary priorities.  
**Financial Implications:** See report  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 71,007–N.S. amended to change the reporting period from three months to six months in the sixth and seventh resolved clauses; amended the final resolved clause to read as follows:
- BE IT FURTHER RESOLVED that in conjunction with adopting this "Care First, Jails Last" resolution, the City Council of the City of Berkeley refers to the City Manager a request for a member of the Division of Mental Health to attend all the meetings of the Alameda County "Care First, Jails Last Task Force" and to report back to the Division of Mental Health on any opportunities or ideas about diversion from jails to care.*



## Council Consent Items

- 32. Young Lives Matter Foundation Walk for Peace: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including up to \$500 from Councilmember Taplin, to support the Young Lives Matter Foundation's Walk for Peace with funds relinquished to the City's general fund.  
**Financial Implications:** Councilmember's Discretionary Fund - \$500  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 71,008–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Humbert - \$500; Councilmember Hahn - \$300; Councilmember Bartlett - \$200; Councilmember Robinson - \$500; Councilmember Wengraf - \$500.
- 33. Resolution to Initiate Berkeley Farmers' Market Week**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution to officially proclaim the first week of August as Berkeley Farmers' Market Week.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 71,009–N.S.
- 34. Commemoration of the 100th Anniversary of the 1923 Berkeley Fire: Relinquishment of Council Office Budget Funds from General Funds and Grant Such Funds**  
**From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember or Mayor, including \$500 from Councilmembers Wengraf and Harrison, to support the City's Commemoration of the 100th Anniversary of the 1923 Berkeley Fire with funds relinquished to the City's general fund. The relinquishment of funds from Councilmembers Wengraf and Harrison's discretionary Council Office Budgets and all other Councilmembers and Mayor who would like to contribute will support a community fair with family friendly activities, including historical and educational displays and activities for the 1923 Fire Commemoration on September 17, 2023.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$500  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 71,010–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Hahn - \$500; Councilmember Bartlett - \$200; Councilmember Robinson - \$250; Councilmember Taplin - \$500.

## Council Consent Items

35. **Resolution Supporting the Unionization of Peet's Coffee Workers**  
**From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of workers at Peet's Coffee unionizing under the Industrial Workers of the World IU 460  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 71,011–N.S.

## Action Calendar – Public Hearings

36. **Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23, and repealing BMC Chapter 12.99, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Item continued to September 19, 2023 to be heard as the first item on the Action Calendar.

## Action Calendar – New Business

37. **Adopting the Affordable Housing Framework for Development at the North Berkeley BART Station Area**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution:  
1. Adopting the framework for City subsidy of affordable housing at the North Berkeley BART station area.  
2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 71,012–N.S. and approved the recommendation.

## Action Calendar – New Business

**38a. Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the proposed policies and acquisition report for the use of fixed automated license plate readers (ALPRs).

**Financial Implications:** See report

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

**38b. Police Accountability Board (PAB) response to Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

**From: Police Accountability Board**

Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4960

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

**Action:** M/S/C (Kesarwani/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.

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

**Action:** M/S/C (Wengraf/Kesarwani) to call for the previous question.

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

**Action:** 37 speakers. M/S/C (Taplin/Humbert) to adopt Resolution No. 71,013–N.S. in Item 38a. Further, provide direction for the City Manager to include the metrics recommended by the Police Accountability Board in the report that is developed after the initial two-year period (Tracking the Number of Hits, Hit Rate, Hit Quality, Number of Arrests, Recovery Rates of Stolen Vehicles, Time to Locate, Case Clearance Rates)

**Vote:** Ayes – Kesarwani, Taplin, Wengraf, Robinson, Humbert, Arreguin; Noes – Bartlett; Abstain – Hahn; Absent – Harrison.

**39. Assembly Bill 481, 2022 Annual Military Equipment Report**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the 2022 Annual Military Equipment Report.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 71,014–N.S.

## Council Action Items

### 40. **Waivers for Woolsey Gardens Affordable Housing Project**

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

**Recommendation:** Pursuant to Berkeley Municipal Code (BMC) Section 22.20.070 and/or 22.20.080, adopt a Resolution approving the following requests from Northern California Land Trust for the Woolsey Gardens affordable housing project at 3120-3130 Shattuck: 1. Waive the requirement in BMC Section 23C.12.070(C)(4) in force at the time of entitlement that subsequent purchasers of inclusionary units in limited equity housing cooperatives have a yearly gross income of no more than 44 percent of the cost of a unit at the time of sale. 2. Approve the provision of an additional inclusionary unit instead of paying the in-lieu fee equivalent of .44 units as required by BMC Section 23.C.12.040(E) in force at the time of entitlement.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 71,015–N.S.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

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

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

Adjourned at 11:28 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on July 25, 2023.

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Mark Numainville, City Clerk

## Communications

### **Item #37: Adopting the Affordable Housing Framework for Development at the North Berkeley BART Station Area**

1. Paul Widess
2. Marianne Betterly
3. Karen Eisenstadt
4. David Rice
5. T. Anne Richards
6. Marice Ashe
7. Kathryn Malone
8. Leonard Mudrock
9. Lonnie Wankel
10. Joan Hamilton

11. Mary Lai
12. Toby Salk
13. Helga Recke and Peter Ewell
14. Laura Garcia Moreno
15. Kori Kody
16. Chris Witt
17. Walter Wood
18. Laura Ide
19. Katherine Kunhraman
20. Nicole Corsini
21. Richard Laden and Marie-Paule Laden
22. Laura Klein
23. Carol Hirth
24. Vicki Sommer (2)
25. Seth Kimball
26. Leni Siegel
27. Alisa Foster and Family
28. Lunda Caesara
29. Abe Hardin
30. Harvey Smith
31. Leonard Mudrock

**Item #38: Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

32. Tobey White
33. Hansel Aguilar, on behalf of the Police Accountability Board (3)
34. Christine Schwartz
35. David Freeling
36. Sean Gibson
37. Sara Pierre
38. Dorothea Dorenz
39. Margaret Wellons
40. Patrick McCully
41. Zach Franklin
42. Eric Lee
43. Margaret Flaherty

**Hopkins Corridor**

44. Margo Smith
45. Virginia Kamp
46. Cindi Goldberg

**Thank You Berkeley Police Department**

47. TK Alexander

**Police Accountability Board**

- 48. Fran Haselsteiner
- 49. Hansel Aguilar, on behalf of the Police Accountability Board

**Racehorse Protection**

- 50. Carla Cabral
- 51. Bonnie Klapper
- 52. Kevin Korevaar-Plesniak
- 53. Gayle Paul
- 54. Joyce Lipener
- 55. Sheri Graeber
- 56. Diana Deikman
- 57. Karin Nelson
- 58. Kimberlee Krok
- 59. Ginnysue57
- 60. Linda Reilly
- 61. Yasirah Vaughn

**Oppose AB 965**

- 62. Richard Tamm
- 63. Martin Bernbaum

**People's Park Protestors**

- 64. Lorraine Mahley

**Street Repair Money**

- 65. S. Entsistle

**1740 San Pablo Avenue New Construction – Funding Application**

- 66. Rachel Durney, on behalf of NorCal Development, BRIDGE

**Abatement Notice: 1510 Rose Street #A**

- 67. Sara Kershner (2)

**Upcoming Sewer Rehabilitation Work at California and Prince**

- 68. Dan Bristol
- 69. Joseph Griffin

**Claremont Hotel – Adjacent Strip Needs Work**

- 70. Jo Farmer

**Trash Not Being Picked Up Again**

- 71. Wenter S, on behalf of Third Culture Bakery (2)
- 72. Berkeley's Mayor's Office

**Perimeter Trail at Cesar Chavez Park**

73. Rachel Bradley

**Curb Cuts – Thank You**

74. Laura Bates

**Safety Hazards at Willard Park**

75. Kristen Boyd

**Pump Out Services for RV's**

76. Ellen Fullman

**Aquatic Center**

77. Natasha Hains

**Fireworks**

78. Pamela Michaud (3)

79. Sarah Garrett

80. Colleen McCann

81. Mike Kim

82. Sandra Blair

83. Carol Cohen

**City's Subcontractor Weeding the Spruce and Vine Traffic Circle**

84. Fred Dodsworth

**URL's Only**

85. Vivian Warkentin (3)

**Supplemental Communications and Reports 1**

**Item #38a: Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

86. Supplemental material, submitted by Councilmember Taplin

87. N. Pauline

88. Kelly Hammargren

89. Summer Brenner

90. Gael Alcock

91. Shok Saidmuradov

92. American Civil Liberties Union

**Item #38b: Police Accountability Board (PAB) response to Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

93. Supplemental material, submitted by the Police Accountability Board

## Supplemental Communications and Reports 2

### Item #19: \$5.5M Loan for D and E Dock Project in Berkeley Marina

- 94. Revised material submitted by Parks, Recreation, and Waterfront Department
- 95. Claudia Kawczynska

### Item #27: Contract: Wood Rodgers, Inc. for Stormwater Master Plan

- 96. Susan Schwartz, on behalf of Friends of Five Creeks

### Item #37: Adopting the Affordable Housing Framework for Development at the North Berkeley BART Station Area

- 97. Melanie Lawrence and John Smail
- 98. Andrea Altschuler

### Item #38a: Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)

- 99. David Davis
- 100. Christopher Horgan
- 101. Charles Denton
- 102. Patrick Golier
- 103. Jonas Jackel
- 104. Ben Shababo
- 105. Peter Hosemann
- 106. Katie Wolf
- 107. Diane Gerstler
- 108. Rachel Tobey
- 109. Isabelle Gaston, Steve Robey
- 110. Katinka Wyle
- 111. Joanne Rucker
- 112. Winthrop Williams
- 113. Don and Becky Grether
- 114. Tom Vargo
- 115. JP Massar
- 116. Leslie A. Sakai
- 117. Kelly Hammargren
- 118. Kyra Subbotin
- 119. Gunther Stein
- 120. Lisa Mirkovic
- 121. Sunita Saini
- 122. Leila Yasin-Gurgen
- 123. Shannon Curtis
- 124. Paul Rickey
- 125. Barbara G Davis
- 126. Robert Hoffman
- 127. Rita Zobayan
- 128. Brian Gilbane
- 129. Bob Flasher



130. Lynne Clenfield
131. Suhad Philip
132. Alex Orloff
133. Ginger Ogle
134. Susan Huang
135. Barbara Cohn
136. Jo Ann Driscoll
137. Gary Croner (2)
138. Jose Vilar
139. Jennifer Burt
140. Bob Holloway
141. Monika Eisenbud
142. Louis Fox and Nashua Kalil
143. Gene Meyers
144. Bob Dixon
145. Jill Travis
146. Isaac Turiel
147. David Kestell
148. William E. Horwich
149. Elizabeth Ferguson
150. Jeremy Lent
151. Zipporah Collins
152. Tom Edwards
153. Doug Finley
154. Noelle Vidal
155. 94 similarly-worded form letters

**Urgent Item: Grant Allocation: Approve Healthy Berkeley Funding  
Recommendation for Programs to Reduce Consumption of Sugar-Sweetened  
Beverages (SSBs) for FY24 and FY25 Grant Cycle**

156. Submitted by Sugar-Sweetened Beverage Product Panel of Experts

**Supplemental Communications and Reports 3**

**Item #12: Mental Health Services Act (MHSA) Fiscal Years 2024-2026 Three Year  
Program and Expenditure Plan**

157. Revised material, submitted by Health, Housing, and Community Services

**Item #35: Resolution Supporting the Unionization of Peet's Coffee Workers**

158. Peet's Labor Union

**Item #36: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs)  
and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance  
from the California Department of Housing and Community Development**

159. Barbara Gilbert
160. TM Scruggs

**Item #38a: Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

161. Presentation, submitted by the Berkeley Police
162. Presentation, submitted by the Police Accountability Board
163. Joan Adams
164. Jenny Wenk
165. Juli Dickey
166. Norman Chong
167. Madeline Feingold
168. Becca Freed
169. Sue von Baeyer
170. Alex Merenkow
171. Tracee Farrell
172. Diane Tokugawa
173. Theo Posselt
174. Alice Lee
175. Terrence Regan
176. Atul Walimbe
177. Richard Wallace
178. Desmond Yen
179. Telegraph for People
180. John Caner, on behalf of the Downtown Berkeley Association
181. Todd Andrew
182. Fran Haselsteiner
183. Steve Kromer
184. Eric Friedman
185. Julie McCray
186. Hayne and Catherine Leland
187. Arabelle Malinis and Shawn Jackson
188. Priya Walimbe
189. Eric Friedman
190. Josh Buswell-Charkow
191. Phan Family
192. Nina Lyons
193. Berkeley People's Alliance
194. Judy Gile
195. Elizabeth Turner
196. Shirley Issel
197. Bohun Kinloch
198. Emily Schory
199. 8 similarly-worded form letters

**Urgent Item**

**Grant Allocation: Approve Healthy Berkeley Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs) for FY24 and FY25 Grant Cycle**

200. Marin Bourque, on behalf of the Ecology Center

**Excused Absence for Councilmember Kate Harrison**

201. Jesse Arreguin, Mayor

**Miscellaneous**

202. Swanson and McNamara LLP text messages- Anonymous

203. Mr. Eid

