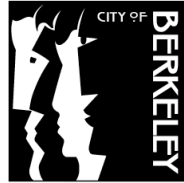


# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, February 8, 2022  
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83320305084>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **833 2030 5084**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Commission Reorganization: Creating the Environment and Climate Commission**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,796-N.S. adding Berkeley Municipal Code Chapter 3.82 to create the Environment and Climate Commission (ECC).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 2. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,797-N.S. a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 3. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No.7,799-N.S. a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.  
**Financial Implications:** None  
**First Reading Vote:** All Ayes.  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 4. Lease and Cooperative Agreement: Downtown Berkeley Bike Station**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,798-N.S. authorizing the City Manager to execute a lease agreement with BART for retail space at the Center Street Garage for a fifteen-year lease term commencing February 1, 2021, and expiring on January 31, 2036.  
**Financial Implications:** See report.  
**First Reading Vote:** All Ayes.  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

**5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

**From: City Manager**

**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, November 9, 2021, and December 14, 2021.

**Financial Implications:** To be determined

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

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

**From: City Manager**

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

**Financial Implications:** To be determined

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

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 8, 2022**

**From: City Manager**

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

**Financial Implications:** \$4,468,611.

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

## Consent Calendar

- 8. Contract - O2X for Public Safety Wellness Programming**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with O2X Human Performance LLC (Contractor) to provide a physical and mental wellness program for the Berkeley Fire & Police Departments (Departments) for a four (4) year base contract period that starts February 9, 2022 and ends on February 8, 2026 in an amount not to exceed \$2,712,145 with an option to extend for up to six (6) additional years in two (2) year increments for a total of ten (10) years and not to exceed a total contract amount of \$7,948,612.  
**Financial Implications:** See report.  
Contact: Abe Roman, Fire, (510) 981-3473
- 9. Contract – Wildland Res Mgmt. for Community Wildfire Protection Plan (CWPP)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Wildland Res Mgmt. (Contractor) to provide Community Wildfire Protection Plan and associated analytics for the Berkeley Fire Department (Department) for an initial base contract period of one year, from February 9, 2022 to February 8, 2023 in an amount not to exceed \$200,000 with an option to extend for an additional four years in two-year increments and a total not to exceed \$400,000.  
**Financial Implications:** See report.  
Contact: Abe Roman, Fire, (510) 981-3473
- 10. Adopt a Resolution Approving Exception to the 180-Day Waiting Period to Hire a CalPERS Retired Annuitant in Accordance With Government Code Sections 7522.56 And 21224**  
**From: City Manager**  
**Recommendation:** Staff respectfully recommends that the City Council adopt a resolution approving an exception to the 180-day waiting period for hiring a retired annuitant as an extra-help employee.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 11. Contract No. 31900207 Amendment: Recruiting Advertising and Marketing Strategy for the Berkeley Police Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900207 with Epic Recruiting, to provide additional recruiting and advertising services for police and professional staff vacancies, in an amount not to exceed \$120,000 for a total contract amount not to exceed \$310,000, and extending the term through April 30, 2023.  
**Financial Implications:** General Fund - \$120,000  
Contact: Jennifer Louis, Police, (510) 981-5900

## Consent Calendar

### 12. Resolution supporting immigration reform for the U.S.

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution: 1. Urging President Biden to honor his promise for a humane immigration policy; 2. Calling for a departure from the previous administration's cruelty toward migrant, for protections from deportation, and for a path to permanent residency for protected groups including beneficiaries of DACA, TPS, and DED; 3. Requesting closure of three California ICE detention facilities cited for many rights violations. Copies of this resolution should be sent to President Biden and Berkeley's congressional delegation.

**Financial Implications:** None

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

### 13. Resolution in Support of Justice for Haitian Refugees

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution calling for an end to all U.S. government deportation efforts against Haitian refugees. Send a letter with the enclosed resolution to President Biden, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.

**Financial Implications:** Staff time.

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

### 14. Normalize Diplomatic and Economic Relations with Cuba

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution supporting normalization of diplomatic and economic relations between the U.S. and Cuba, initiated by Cuba solidarity organizations in the U.S. Send a letter with the enclosed resolution to President Biden, Secretary of State Antony Blinken, Senators Feinstein and Padilla, and Congresswoman Barbara Lee.

**Financial Implications:** Staff time.

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

### 15. Japanese American Day of Remembrance

**From: Peace and Justice Commission**

**Recommendation:** 1. Adopt a Resolution calling on leaders to denounce anti-Asian racism, and for the City to collaborate with AAPI communities and community-based organizations to promote community building and safety, and to address systemic barriers for reporting anti-Asian hate crimes. 2. Adopt in perpetuity February 19 as the Japanese American Day of Remembrance in Berkeley in recognition of the mass incarceration of Japanese Americans and Japanese Latin Americans during World War II.

**Financial Implications:** Staff time.

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

## Council Consent Items

- 16. Budget Referral and Resolution Establishing City Process for Siting and Developing Public Electric Vehicle DC Fast-charging Hubs**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:**

1. Adopt a Resolution in support of a non-binding term sheet between the City of Berkeley and East Bay Community Energy (EBCE) to establish a network of publicly available electric vehicle (EV) fast-charging hubs in municipally-owned parking lots and garages in areas with a dense concentration of multifamily housing.

2. Refer to the June, 2022 FY 23-24 budget process \$600,000 in General Fund revenues to fund Berkeley's annual maximum Service Fee of \$100,000/year per fast-charging hub for three hubs. Once revenues from charging exceed the annual service fee, a portion of revenues will be remitted to the City. Over the 10-year agreement, the City will realize a net gain. Under either a low and high hub utilization scenario, EBCE estimates the City will likely see net profits from Site License Agreement revenue over the ten years estimated at between \$50,000 and \$851,000. In addition, EBCE estimates that the City is already on track to realize an additional \$400,000-\$600,000 in Utility User Tax proceeds annually over next 2-3 years under the Renewable 100 portfolio, and that number could grow to up to \$1.3 million per year by 2025 assuming EV adoption goals are met.

**Financial Implications:** See report.

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar

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

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

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

- 17. Berkeley's 2019 Community-Wide Greenhouse Gas Emissions Inventory**  
*(Continued from November 30, 2021)*  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.*

## Action Calendar – Public Hearings

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### 18. **ZAB Appeal: 2956 Hillegass Avenue Use Permit #ZP2021-0068**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Zoning Permit #ZP2021-0068 for the addition of a 170 square foot third-floor balcony to the rear of an existing three-story 2,834 square foot single-family dwelling on a 2,754 square foot lot that is non-conforming to lot coverage.

**Financial Implications:** None

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

## Information Reports

### 19. **Update on Berkeley’s Redistricting Process for City Council Districts**

**From: City Manager**

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

### 20. **Healthy Checkout Ordinance Protocols**

**From: City Manager**

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

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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

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



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

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

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

**COMMUNICATION ACCESS INFORMATION:**

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



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

*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 27, 2022.*

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

Mark Numainville, City Clerk

## Communications

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

### **ADU's**

1. Jeff White

### **Alameda County Rent Moratorium**

2. Bruce Dodd

### **Buena Vista Way Repaving**

3. Val Cipollone
4. Stefano Della Vigna

**City Mobility Improvement**

5. Gail Burke (2)

**COVID-19**

6. Troy Ault

**EBCE Community Advisory Committee**

7. Newsletter

**Homeless**

8. Diana

**January 18, 2022 Council Meeting**

9. Barbara Gilbert (2)

**Marin and Spruce**

10. Diana Damonte

**Plastic Bag Ordinance**

11. Jessica Mitchell

**Redistricting**

12. Jack Kurzweil

13. Sabina McMurtry

**RV's**

14. Charlene Washington

**Stopwaste**

15. David Lerman

**Tenant Advocacy**

16. Robin Fletcher

**Tire Replacement**

17. Catherine Woolf

**UA Homes**

18. Benjamin Hubbel

**Unfunded CalPERS Liability**

19. David Lerman

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

