

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Thursday, November 3, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84033716377>. 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: **840 3371 6377**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: Taplin

Councilmember Taplin present at 6:13 p.m.

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

Ceremonial Matters:

1. Recognition of the Acacia Neighborhood as Berkeley's First Firewise USA Site
2. Adjourned in Memory of William Evans, Berkeley Resident

City Auditor Comments:

The City Auditor noted the reports on the agenda for the audit update statuses.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

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

Vote: All Ayes.

Consent Calendar

- 1. Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,837-N.S. Amending Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted second reading of Ordinance No. 7,837–N.S.
- 2. Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades**
From: City Manager
Recommendation: Adopt second reading Ordinance No. 7,838-N.S., Zoning Ordinance amendments to provide consistency for the incidental use of Amusement Devices and regulate Amusement Device Arcades as Commercial Recreation Centers.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,838–N.S.
- 3. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, and September 20, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,565–N.S.

Consent Calendar

- 4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, and October 11, 2022.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,566–N.S.
- 5. 2022 Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Recommendation: Review and accept the 2022 annual commission attendance and meeting frequency report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation.
- 6. Contract No. 32200039 Amendment: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200039 with Townsend Public Affairs, Inc., for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$72,000, for an amount not-to-exceed \$117,000, and extending the contract from December 31, 2022 to December 31, 2023.
Financial Implications: General Fund - \$72,000
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,567–N.S.

Consent Calendar

7. Contract No. 32100186 Amendment: Mildred Howard Public Art Commission for Adeline Street and Martin Luther King Jr. Way

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100186 with artist Mildred Howard in order to increase the size of the public art commission “Untitled” to 11’ tall as directed by the Civic Arts Commission. The art work is slated to be installed in the triangular green space on the northern side of the intersection of Adeline Street and Martin Luther King Jr. Way. The artwork budget is to increase by \$144,000 for a total contract amount not to exceed \$354,000.

Financial Implications: Cultural Trust Fund - \$144,000

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

Action: Adopted Resolution No. 70,568–N.S.

8. Renewal of the Solano Avenue BID for Calendar Year 2023

From: City Manager

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board’s (hereafter “Solano BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2022 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2023; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2023; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 29, 2022.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,569–N.S.

9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 3, 2022

From: City Manager

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

Financial Implications: Various Funds - \$75,000

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

Action: Approved recommendation.

Consent Calendar

- 10. Contract: Restoration Family Counseling Center for Counseling, Education and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Restoration Family Counseling Center Inc. (RFCC) for counseling, education and support, for a total amount not to exceed \$80,000 from December 1, 2022 through November 30, 2024.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,570–N.S.
- 11. Contract No. 32200227 Amendment: Fire Aside for Mobile Vegetation Management Inspection Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200227 Mobile Vegetation Management Inspection Software for the Fire Department (Department); increasing the contract amount by \$100,000 for an amended total contract amount not to exceed \$260,000.
Financial Implications: See Report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,571–N.S.
- 12. Contract No. 32200083 Amendment: Ganey Scientific for Project Management & Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200083 project management and consulting services for the Fire Department (Department); increasing the contract amount by \$500,000 for an amended total contract amount not to exceed \$1.4 million.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,572–N.S.
- 13. Purchase Order: Bauer Compressors Inc. for Self-Contained Breathing Apparatus and Related Accessories**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Bauer Compressors Inc. using the General Services Agency's (GSA) contract No. EE08-19 for an amount not to exceed \$1.7 million through July 31, 2023 for the purchase of self-contained breathing apparatus (SCBA) and related accessories.
Financial Implications: UC Settlement Fund - \$1.7 million
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,573–N.S.

Consent Calendar

14. Revenue Contracts: Fiscal Year 2023 Aging Services Programs

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2023 (FY 2023):

- a. Congregate Meals in the amount of \$40,000;
- b. Home Delivered Meals in the amount of \$84,000;
- c. Family Caregiver Support Program in the amount of \$41,383;
- d. Senior Center Activities in the amount of \$30,000; and
- e. Information and Assistance Services in the amount of \$100,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,574–N.S. (Congregate Meals); Resolution No. 70,575–N.S. (Home Delivered Meals); Resolution No. 70,576–N.S. (Family Caregiver Support); Resolution No. 70,577–N.S. (Senior Center Activities); and Resolution No. 70,578–N.S. (Information and Assistance).

15. Contract No. 32000240 Amendment: Berkeley Unified School District (BUSD) for Mental Health MHSA-Funded Programs

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2023 in an amount not to exceed \$1,394,167. This amendment will add \$401,389 in funding to the contract in order to continue three mental health programs for an additional year and add a fourth for the same time period.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,579–N.S.

16. Greater Bay Area Regional Partnership Workforce, Education and Training Grant – California Mental Health Services Authority

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to enter into a Participation Agreement and any amendments with the California Mental Health Services Authority (CalMHSA) for the Greater Bay Area (GBA) Regional Partnership Workforce, Education and Training (WET) Grant, and to allocate local Mental Health Services Act (MHSA) funds in an amount not to exceed \$42,609, through June 30, 2025.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,580–N.S.

Consent Calendar

- 17. Fiscal Year 2023 Meals on Wheels of Alameda County Donations for the Berkeley Meals on Wheels Program**
From: City Manager
Recommendation: Adopt a Resolution accepting donations, totaling approximately \$175,000, for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2023 (FY 2023).
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,581–N.S.
- 18. Contract: Robert Half International/Protiviti for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Robert Half International/Protiviti for professional services in support of the following City Departments: Fire (Administration, Prevention, Wildland Urban Interface, Emergency Medical Services and Training), Human Resources, and Information Technology in the Fiscal Year (FY) 2023 using the General Services Agency’s (GSA) purchasing vehicle no. GS-35F-0280X for an annual increase not to exceed \$750,000 through June 30, 2023.
Financial Implications: Various Funds - \$750,000
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,582–N.S.
- 19. Contract No. 32000281 Amendment: ConvergeOne for on-site Avaya Administration, Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners), for Avaya on-site administration and maintenance, increasing the amount by \$165,000 for a total not to exceed amount of \$892,821, from July 1, 2020 to June 30, 2024.
Financial Implications: IT Cost Allocation Fund - \$165,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,583–N.S.
- 20. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$50,000, for a total not-to-exceed amount of \$299,500 through December 31, 2023.
Financial Implications: IT Cost Allocation Fund - \$50,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,584–N.S.

Consent Calendar

21. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; and schedule a Public Hearing for the second reading on November 29, 2022 pursuant to state law; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2022 California Building Standards Code, and rescinding Resolution No. 69,170-N.S.

Financial Implications: See report

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

Action: 1. Adopted first reading of Ordinance No. 7,839–N.S. Second reading scheduled for November 29, 2022. 2. Adopted Resolution No. 70,585–N.S.

22. Re-enactment of the Berkeley Housing Code; Repealing Chapter 12.48 and Repealing and Re-enacting Chapter 19.40

From: City Manager

Recommendation: Adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapter 12.48 (Residential Rental Housing Safety Program), and repealing and re-enacting BMC 19.40 (Berkeley Housing Code), incorporating BMC Chapter 12.48 into BMC Chapter 19.40; and schedule a Public Hearing for the second reading on November 29, 2022, pursuant to state law.

Financial Implications: None

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

Action: Adopted first reading of Ordinance No. 7,840–N.S. Second reading scheduled for November 29, 2022.

23. Revenue Grant Contract: Fiscal Year 2022-23 Alcoholic Beverage Control Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager and/or Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$72,449 for one fiscal year, July 1, 2022 through June 30, 2023.

Financial Implications: Alcoholic Beverage Control Fund - \$72,449 (grant)

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

Action: Adopted Resolution No. 70,586–N.S.

Consent Calendar

24. Reappointment of Andrea Prichett and Edward Opton to the Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the re-appoint Andrea Prichett to the Mental Health Commission, as representative of the general public interest category, for a second- three-year term beginning November 4, 2022 and ending November 3, 2025. And re-appoint Edward Opton as a representative of the general public interest category, for his first term ending January 21, 2023 and his second-term beginning January 22, 2023 to January 21, 2026.

Financial Implications: None

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

Action: Adopted Resolution No. 70,587–N.S.

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

Council Consent Items

25. Referral to Conduct an Automatic Traffic Calming Review for the Area Immediately Surrounding the Project at 1201-1205 San Pablo Avenue

From: Councilmember Kesarwani (Author)

Recommendation: Refer to the City Manager to conduct an automatic traffic calming review for the area immediately surrounding the streets of the project located at 1201-1205 San Pablo Avenue within six (6) months of the building's occupancy reaching 90 percent of its capacity with the intent of expediting the traffic calming process for neighbors impacted by the development of this project. The traffic calming review should include the following intersections: Gilman and Kains; Gilman and Stannage; Harrison and San Pablo; Harrison and Kains; Harrison and Stannage.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation.

Council Consent Items

- 26. Budget Referral: Down Payment Assistance (DPA) and Closing Cost Assistance Revolving Loan Fund Pilot**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the budget process \$500,000 for a local Down Payment Assistance (DPA) and Closing Cost Assistance Revolving Loan Fund Pilot Program, providing third-lien shared appreciation loans (SALs) to cover down payments and closing costs for qualifying applicants in a racial equity and reparative justice framework consistent with regulations for local, state, federal, and nonprofit DPA programs including, but not limited to: California Dream For All (CalHFA), AC Boost (Alameda County), Community Seconds (Fannie Mae), and Black Wealth Builders Fund. The City should aim spend no more than 10-20% on administrative costs if existing resources are insufficient.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

- 27. Budget Referral: No Right on Red Signs**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: That the City Council refers to the City Manager the implementation of "No Right on Red" signs to all intersections with traffic lights. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Mayor Arreguin and Councilmember Robinson added as cosponsors. Approved recommendation as revised below.

Refer to the City Manager to develop policy recommendations for council consideration that would expand limitations on "right turns on red" for the purposes of pedestrian safety. Staff should consider prohibiting right turns on red in commercial districts, on high-injury corridors, and/or citywide. Staff should engage the Transportation & Infrastructure Commission for feedback and review of possible recommendations. Staff is also requested to coordinate with AC Transit regarding impacts on transit services. Refer the necessary appropriations of \$135,000 to the 2022 November Annual Appropriations Ordinance.

- 28. Budget Referral: Commitment to La Peña Cultural Center**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the AAO#1 Budget Process \$150,000 to support the recovery and renovations of La Peña Cultural Center, a cultural hub and historic community building space within the city of Berkeley.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Vice-Mayor Harrison added as a co-sponsor. Approved recommendation.

Council Consent Items

- 29. Budget Referral: Commitment to the Completion of Affordable Housing at 1638 Stuart Street**
From: Councilmember Bartlett (Author), Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the AAO#1 Budget Process \$50,000 to support the Completion of Affordable Housing at 1638 Stuart Street so it can complete exterior renovations and continue to provide eight units of permanently affordable housing for households earning less than 80% of area median income.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 30. Resolution and Referral Supporting Local Implementation of SB 379: Online Instant Solar Permitting Process For Residential Solar And Solar-Plus-Storage Energy Systems**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation:
1. Adopt Resolution supporting local implementation of SB 379 requiring cities to adopt online instant solar permitting process for residential solar and solar-plus-storage energy systems; and
2. Refer to the City Manager and Planning Department, consistent with SB 379 and climate goals, to explore and move swiftly to apply for applicable grants and implement automated solar permitting platforms to reduce permit review time for solar energy and battery storage systems.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Bartlett added as a co-sponsor. 1. Adopted Resolution No. 70,588–N.S. 2. Approved recommendation.

Action Calendar

31. Harriet Tubman Terrace Tenant Support *(Continued from October 11, 2022)*
From: Housing Advisory Commission

Recommendation: Recommend City Council take the following actions:

- Review the video created by tenants about conditions at Harriet Tubman Terrace that was shown at the July 7, 2022 Housing Advisory Commission meeting;
- Direct the City Manager to investigate health and safety violations and other grievances identified by tenants at Harriet Tubman Terrace; and
- City Council request Harriet Tubman Terrace provide tenants with a dedicated tenant advocate to assist with relocation and other needs.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: 10 speakers. M/S/C (Bartlett/Arreguin) to approve the recommendation of the Housing Advisory Commission and include a budget referral of up to \$100,000 to fund a tenant advocate position for Harriet Tubman Terrace. Further request that the City Manager develop a role for a larger position for general tenant advocacy.

Vote: All Ayes.

Recess 8:31 p.m. – 8:42 p.m.

32. Resolution Accepting the Annual Surveillance Technology Reports for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code

From: City Manager

Recommendation: Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's) and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: Jennifer Louis, Police, (510) 981-5900; Liam Garland, Public Works, (510) 981-6300; LaTanya Bellow, City Manager's Office, (510) 981-7000

Action: Moved to Consent Calendar. Adopted Resolution No. 70,589–N.S. with a revision to the Exhibit to correct the number of drone use instances from three to two to reflect new information that a drone was not deployed by Albany Police into the City of Berkeley during the Solano Stroll event.

Action Calendar – Public Hearings

33. **ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095** *(Continued from October 11, 2022)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0095 to construct a six-story, multi-family residential building with 12 units (including two Low-Income units), and dismiss the appeal.

Financial Implications: None

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

Action: M/S/C (Arreguin/Hahn) to continue the public hearings for the ZAB Appeal for 2018 Blake Street and the ZAB Appeal for 1643-1647 California Street to November 15, 2022.

Vote: All Ayes.

34. **ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

Financial Implications: None

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

Action: See action for Item 33.

Action Calendar

- 35. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**
(Continued from October 11, 2022) (Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item contains revised material)

From: Commission on Labor

Recommendation: Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.

Financial Implications: See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

Action: M/S/C (Arreguin/Harrison) to accept supplemental materials from Councilmember Wengraf for Item 35.

Vote: All Ayes.

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

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

Action: M/S/Failed (Arreguin/Harrison) to suspend the rules and extend the meeting to 12:00 a.m.

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

Action: M/S/Carried (Arreguin/Harrison) to call for the previous question.

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

Action: 25 speakers. Meeting adjourned at 11:45 p.m.

Action Calendar

- 36. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*
From: Energy Commission
Recommendation: The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.
Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Moved to Consent Calendar. Referred to the Budget & Finance Committee for review.

Information Reports

- 37. Fiscal Year (FY) 2023 Civic Arts Grant Awards**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Received and filed.
- 38. Fire Prevention Inspections Audit Status Report**
From: City Manager
Contact: David Sprague, Fire, (510) 981-3473
Action: Received and filed.
- 39. Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees**
From: City Manager
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Received and filed.
- 40. LPO NOD: 2065 Kittredge Street/#LMSAP2021-0004**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Information Reports

- 41. Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 42. Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 43. Audit Status Report – Lease Audit: Conflicting Directives Hinder Contract Oversight**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Received and filed.
- 44. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 45. Audit Recommendation Status -Data Analysis of the City of Berkeley's Police Response**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.
- 46. Audit Recommendation Status - 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.

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

Adjournment

Adjourned at 11:45 p.m.

Communications

Item #31: Harriet Tubman Terrance Tenant Support

1. Darinxoso Oyamasela
2. Elaine Bloom

Item #34: ZAB Appeal: 1643-1647 California Street, Use Permit: #ZP2021-0001

3. Sunny Grewal, on behalf of studio g+s Architects

Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102

4. Francisco De Sena

Measure L

5. Joel Libove
6. Finance Department

Crime

7. David Lerman (3)
8. Terrence Regan
9. Barbara Gilbert
10. Brian Edquist
11. Bryce Nesbit

Pedestrian Safety

12. David Lerman
13. Naren Dev

SPARK RV Site

14. Diana Bohn (2)

Parking and Traffic Issues

15. Barbara Gilbert

IKE Kiosks

16. Cielo Rios, on behalf of Emerson Elementary (2)
17. Jeffrey Church
18. Kieron Slaughter, Chief Strategist, Economic Innovation

Residential Zoning Changes

19. Bruce Feingold

1201-1205 San Pablo Development

20. Yvette Bozzini (2)

Codornices Creek Issue – Homeless Disturbed People

21. Friends of Five Creeks (2)

22. Thomas Williams

23. Brian Beall

Thoughts of Global Safety and People’s Park

24. Peter Bruce DuMont

Scooters on Sidewalks

25. Kathleen Krier

Adeline Redesign

26. Scott Owades

27. Igor Tregub

28. Teresa Clarke

29. John Givens

30. Pablo Diaz-Gutierrez

31. Aaron Foxworthy

Parking Rates at City Garages

32. Zipporah Collins

Finn Hall

33. Phil Allen

Urban Heat Island, Dark Surfaces, Extreme Heat Events

34. Kelly Hammargren

City Clean Up Idea

35. Crystal Ngo

Chinese Berkeleyans and Civic Center Park

36. Richard Schwartz

Unable to Pay Rent

37. Kenneth Melson

Okinawa Requesting Support

38. Diana Bohn

Hopkins Corridor

39. Alan Jencks

40. Dorothea Dorenz

41. Lauren Moore

42. Mary Lai

Berkeley Housing Element Draft Environmental Impact Report

43. Adolfo Cabral

44. Walter Wood

Day to Night Festival Noise Complaint

45. Heather Way

46. Kelly Zito

47. Cressy

People's Park

48. Chrissy Hoffman

49. Max Ventura

Downtown Parking

50. Kenneth Stein

Supplemental Communications and Reports 1

Item #18: Contract: Robert Half International/Protiviti for Professional Services

51. Russell Cowan

Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095

52. Supplemental material, submitted by Planning and Development

Item #34: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001

53. Adam Safir

Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102

54. Gail Silvan

Supplemental Communications and Reports 2

Item #22: Re-enactment of the Berkeley Housing Code; Repealing Chapter 12.48 and Repealing and Re-enacting Chapter 19.40

55. Housing Advisory Commission

Item #30: Resolution and Referral Supporting Local Implementation of SB 379: Online Instant Solar Permitting Process For Residential Solar and Solar-Plus-Storage Energy Systems

56. Igor Tregub, on behalf of California Solar & Storage Association

Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095

57. Alison Huetter

Item #34: ZAB Appeal: 1643-1647 California Street, Use Permanent #ZP2021-0001

58. Minh Tsai

59. Adam Safir

Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102

60. Revised material, submitted by Councilmember Harrison

- 61. Ryan Allain, on behalf of the California Retailers Association
- 62. Zipporah Collins
- 63. Andrea Mullarkey, on behalf of SEIU 1021, et al (2)
- 64. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats, et al
- 65. Alan Bern

Supplemental Communications and Reports 3

Item #27: Budget Referral: No Right on Red Signs

- 66. Isabelle Gaston (2)

Item #33: ZAB Appeal: 2018 Blake Street, Use Permit #AP2021-0095

- 67. Toni Mester

Item #35: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102

- 68. Supplemental material, submitted by Councilmember Wengraf
- 69. Margaret Pritt
- 70. Diana Bohn
- 71. Elizabeth Ferguson
- 72. Andrea Mullarkey, on behalf of SEIU 1021 (2)
- 73. Matt Sutton, on behalf of the California Restaurant Association
- 74. Igor Tregub, on behalf of the Sierra Club
- 75. Barbara Gilbert
- 76. Doug Jones
- 77. Soumaya Lhamous
- 78. XiLin Choi
- 79. Sharanya Sahu
- 80. Theo Wyss-Flamm
- 81. 29 similarly-worded form letters