

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 22, 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/85474741619>. 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: **854 7474 1619**. 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:** 6:03 p.m.

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

**Absent:** Bartlett, Droste

Councilmember Bartlett present at 6:04 p.m.

## Report from Closed Session

The City Council met in closed session and authorized the City Attorney to file an appeal in Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. California Case No. RG18930003.

## Ceremonial Matters:

1. Recognition of Nowruz, Persian New Year
2. Recognition of Meals on Wheels Month (March 2022)
3. Presentation on Seismic Retrofits for Civic Center Buildings - 7 speakers
4. Presentation by the Anti-Eviction Mapping Project - 15 speakers

**City Manager Comments:** None

Recess 8:26 p.m. – 8:36 p.m.

**Public Comment on Non-Agenda Matters:** 4 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to adopt a temporary rule to set the time limit for public speakers at one minute per speaker.

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

**Public Comment on Consent Calendar and Information Items Only:** 15 speakers.

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

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

## Consent Calendar

- 1. Lease Agreement with NFS Unlimited, LLC for Skates-on-the-Bay**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,802-N.S. authorizing the City Manager to execute the attached ground lease with NFS Unlimited, LLC, the owner/lessee of Skates-on-the-Bay at the Berkeley Waterfront for a 10-year term with 2 additional options to extend for 5 years each, effective from May 1, 2022.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,802–N.S.
- 2. 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, and March 8, 2022.  
**Financial Implications:** To be determined.  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,258–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, November 9, 2021, December 14, 2021, and February 8, 2022.  
**Financial Implications:** To be determined.  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,259–N.S.

## Consent Calendar

### 4. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 8 (regular), February 15 (closed and special), February 18 (closed), February 22 (regular) and February 24 (closed).

**Financial Implications:** None

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

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

### 5. Amendment to the Berkeley Revolving Loan Fund Administrative Plan to allow management of the COVID-19 Resiliency Loan Program (RLP) by Working Solutions, a certified Community Development Financial Institution; Authorize a \$60,000 contract with Working Solutions to provide technical assistance and small business support to Berkeley's RLP participants

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to allow for third party administration of the COVID-19 Resiliency Loan Program (RLP).

2. Authorizing the City Manager to execute a sole source contract and any amendments with Working Solutions, a certified Community Development Financial Institution, not to exceed \$60,000 of ARPA funds to provide additional small business support and technical assistance to Berkeley's RLP participants for the period beginning March 31, 2022 through the five-year term of the RLP loan repayments (anticipated ending date December 31, 2027).

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,260–N.S. (Administrative Plan), and Resolution No. 70,261–N.S. (Contract).

### 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022

**From: City Manager**

**Recommendation:** Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 22, 2022

**Financial Implications:** \$12,952,000

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

**Action:** Approved recommendation.

### 7. Donation of Fire Apparatus and Equipment

**From: City Manager**

**Recommendation:** Adopt a Resolution donating a surplus fire truck, Auto 910 and equipment, to the Livermore Pleasanton Department.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,262–N.S.

## Consent Calendar

- 8. Contract: Pinnacle for Occupational Physicals**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) for occupational health and pre-employment medical examinations including cancer and cardiac screening for firefighters, paramedics, emergency medical technicians, police officers and other designated staff through March 22, 2026 in an amount not to exceed \$325,000 per fiscal year with an option to extend for three additional two-year terms, for a total ten-year potential contract not to exceed \$3,250,000.  
**Financial Implications:** See report.  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,263–N.S.
- 9. Contract: Interior Motions for HHCS Public Health Division Furniture**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$100,000 for the period January 1, 2022 through December 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,264–N.S.
- 10. Contract No. 32100178 Amendment: California Mental Health Services Authority Help@Hand Participation Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an Amendment to the Help@Hand Participation Agreement with the California Mental Health Services Authority (CalMHSA) (Contract No.32100178) to increase the amount of funding by \$140,800 for a total amount not to exceed \$541,715 through June 30, 2024, and any amendments.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,265–N.S.

## Consent Calendar

- 11. Revenue Contract: Alameda County Behavioral Health Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a revenue contract amendment with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement, with an Effective Date of July 1, 2021.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,266–N.S.
- 12. Increase Taxi Scrip Window Daily Cash Redemption Limit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing Berkeley Rides for Seniors & the Disabled (BRSD) to increase the Taxi Scrip Window daily cash redemption limit from \$800 to \$1,000, one day per week.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,267–N.S.
- 13. Amending Berkeley Municipal Code (BMC) Chapter 12.70 Sections 12.70.031 and 12.70.050A.1 to align with State and Local Laws**  
**From: City Manager**  
**Recommendation:** Staff recommends the City Council adopt the reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 12.70 Smoking Pollution Control to incorporate two changes:  
1) Amending BMC 12.70.030 to replace the outdated term “Dispensary” with “Cannabis Retailer” in order to align with the State’s Medicinal and Adult-Use of Cannabis Safety and Regulation Act (MAUCSRA); and  
2) Revise BMC Chapter 12.70.050.A.1 to clarify that smoking tobacco is allowed at a tobacco retailer, and smoking cannabis is allowable at a Cannabis Retailer, subject to Council-approved BMC Sections 23.320.020.F.2, 12.21.020.U, V, and Y, and 12.22.040.F.2 allowing “Cannabis Lounges”.  
**Financial Implications:** None  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,804–N.S. Second reading scheduled for April 12, 2022.

## Consent Calendar

- 14. Amendments to On-Call Architectural Services Contract No. 31900137 (ELS Architecture and Urban Design), Contract No. 31900155 (Siegel & Strain Architects), and Contract No. 31900131 (Noll & Tam Architects)**

**From: City Manager**

**Recommendation:** Adopt Resolutions authorizing the City Manager to:

1. Execute an amendment to Contract No. 31900137 for ELS Architecture and Urban Design increasing the contract amount by \$900,000; and
2. Execute amendments to Contract No. 31900155 for Siegel & Strain Architects, and Contract No. 31900131 for Noll & Tam Architects by increasing the contract amount by \$900,000 each and duration by 9 months each, from June 30, 2022 to March 31, 2023.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,268–N.S. (ELS Architecture), and Resolution No. 70,269–N.S. (Siegel & Strain) and Resolution No. 70,270–N.S. (Noll & Tam Architects).

- 15. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Fifteen Ford Interceptor Utility Hybrid Vehicles**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for fifteen (15) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$765,000.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,271–N.S.

- 16. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Three Electric Vehicle Ford Pickup Trucks**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for three (3) Electric Vehicle Ford Pickup Trucks with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$135,000.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,272–N.S.

## Consent Calendar

- 17. Contract No. 112725-1 Du-All Safety, LLC for Safety Consulting and Training Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112725-1 with Du-All Safety, LLC for continued safety training and consulting services up to \$100,000 for a total contract amount not to exceed \$400,000, and to extend the contract term through December 31, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,273–N.S.
- 18. Contract No. 32100122 Amendment: Silao General Engineering for Site Improvements Project at 125/127 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32100122 with Silao General Engineering, Inc. to complete the parking lot site improvements at 125/127 University Avenue increasing the current contract amount of \$192,946.60 by \$85,000.00 for a total amount not-to-exceed of \$277,947.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,274–N.S.
- 19. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,400,000, and extending the term of the contract to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,275–N.S.
- 20. Contract No. 31900094 Amendment: West Yost for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900094 with West Yost Associates (West Yost) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$1,200,000, and extending the term of the contract to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,276–N.S.



## Consent Calendar

- 21. Contract No. 090342-1 Amendment: Waste Management of Alameda County for Landfill Disposal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the City's existing Contract No. 090342-1 with Waste Management, Inc. of Alameda County for Landfill Disposal Services through December 31, 2026 by increasing the Not to Exceed amount from \$32,740,168 to \$45,545,780.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,277–N.S.
- 22. Fiscal Year 2023 Street Lighting Assessments – Initiating Proceedings**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and order the preparation of Engineer's Reports.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,278–N.S. (District No. 1982-1) and Resolution No. 70,279–N.S. (District No. 2018).
- 23. Vacancies on Commission on Disability**  
**From: Commission on Disability**  
**Recommendation:** Appoint new members to fill vacancies on the Commission on Disability from District 3, District 4, District 5, District 6, District 7, and Mayor Jesse Arreguin  
**Financial Implications:** None  
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300  
**Action:** Approved recommendation.

## Consent Calendar

### 24. **Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations**

#### **From: Disaster and Fire Safety Commission**

**Recommendation:** The Disaster and Fire Safety Commission (DFSC) recommends that the City Council define the location of those areas in Berkeley in which residents are at high risk due to public safety considerations and use this information to help guide the Housing Element process so that greater density and development in those areas is avoided to the extent reasonably possible. These areas include:

1. Fire Zones 2 and 3 with narrow (26 feet or less in width), winding streets, or those with “pinch-points” that do not allow emergency vehicle access and safe evacuation routes for residents in the event of a wildfire; and

2. Locations within the Alquist-Priolo (Hayward Fault) Earthquake Zone identified by the California Geological Survey; and

3. Locations within the Liquefaction or Landslide Zones identified by the California Geological Survey and areas associated with creeks, above and underground and subject to the impacts of Sea Level Rise. A. Establish a Priority: The DFSC requests that the identification process begin with items 1 and 2 listed above. State legislation mandating increased development in these areas is effective January 1, 2022, and the identification of the boundaries of areas where residents are at high risk in Berkeley should be completed prior to that date. Item 3 is also important, but as a practical matter, it may take longer to review. Therefore, completing identification may have to be done in steps over time. An additional consideration in giving priority at this time to areas affected by fire is that we are now in the “traditional” wildfire season with the clear statewide warning that today’s wildfires are both more frequent and intense and are being fueled by the State’s continued severe drought with no relief in the foreseeable future. B. Establish an Easy-to-Understand Map Format: The DFSC requests that the identification information presented be in an easy-to-understand map format that is available to the public and kept in an up-to-date format as the process progresses. This format should; within technical capability, clearly identify streets that are boundaries to the public safety areas. The California Geological Survey already maintains property-specific maps that address Items 1 and 2 above. The DFSC requests that the City produce similar maps for the other hazardous areas as they are identified. C. Need for Timely Action: The Council has recently taken action to indicate their intent to begin a process to complete the State required new Housing Element for the City’s General Plan. Establishing high-risk public safety areas is a foundational tool in the work that needs to be done to complete a new Housing Element. D. Provides an Opportunity to Inform the Public: Defining high-risk public safety zones not only informs residents about the nature of the risks but encourages individuals and groups to be part of the effort to reduce those risks.

**Financial Implications:** See report.

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

**Action:** Approved recommendation.

## Consent Calendar

25. **Letter of Support for Budget Referral: South Sailing Basin Dredging**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Send the attached Letter of Support for Budget Referral: South Sailing Basin Dredging to be added to the scope of the project for the study of dredging the main channel.  
**Financial Implications:** See report.  
Contact: Roger Miller, Commission Secretary, (510) 981-6700  
**Action:** Approved recommendation.
26. **Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Send the attached Letter of Support for Infrastructure Improvement Projects in the Berkeley Waterfront from the Parks, Recreation, and Waterfront Commission to State Senate Budget Chair Skinner and Assembly Budget Chair Ting.  
**Financial Implications:** See report.  
Contact: Roger Miller, Commission Secretary, (510) 981-6700  
**Action:** Approved recommendation.
27. **Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.  
**Financial Implications:** None  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Moved to Action Calendar. M/S/C (Arreguin/Wengraf) to continue Item 27 to the April 12, 2022 meeting as the first Action Item.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Hahn, Droste.
- Councilmember Harrison absent 10:02 p.m. – 10:33 p.m.

## Council Consent Items

- 28. Support for AB-2053 (Social Housing Act)**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter in support of Assembly Bill 2053 to the state legislature.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 29. Support for AB-2336**  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Send a letter of support for Assembly Bill 2336: Speed Safety System Pilot Program.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 30. Support for AB-2713**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Send a letter of Support for Assembly Bill 2713: Rent caps  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 31. Budget Referral: West Berkeley Transportation Plan**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refer \$300,000 to the FY23-24 budget process for the hiring of a consultant to conduct a study and draft a comprehensive plan for transportation in West Berkeley through 2050.  
**Financial Implications:** \$300,000  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

32. **Budget Referral: Berkeley Reparations – Funding for a Consultant to Facilitate Community Process to Design and Implement a Local Reparations Plan**  
**From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**

**Recommendation:** Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$350,000 to fund a Consultant to develop policy recommendations for reparations in Berkeley. These recommendations will address the economic injury and intergenerational trauma experienced by Berkeley’s descendants of slavery and the ongoing harm caused to all African Americans by systems that uphold the legacy of segregation. The Consultant will design a process to develop short, medium, and long-term recommendations for reparation policies in Berkeley designed to promote the creation of generational wealth and boost economic mobility, and opportunity in Berkeley’s African American community. 1. Inform. The Consultant should hold a series of educational events, truth-telling symposiums, sessions, and community gatherings on Berkeley’s history. The Consultant should engage a myriad of Berkeley stakeholders, including residents who have experienced harm with economists and historians to provide context. Subject matter experts will employ financial and historical data to illuminate the generational wealth gap, describe barriers to economic mobility, and detail the systemic racism against Berkeley’s African American community. 2. Interact. The Consultant should aim to foster an interactive dialogue centered on the community’s historical experiences and legacy of racism. These group settings should be between persons of diverse vantage points and opinions. The Consultant’s facilitation of these emotive conversations should aspire to enable learning and deep listening, connection, and ultimately trust, healing, and the desire to repair the community. 3. Recommend. Draw from the community dialogues to issue short, medium, and long-term recommendations, for reparations policies. The policy recommendations should focus on creating significant, sustainable progress towards repairing the damage caused by public and private systemic racism; and mitigate racial disparities in wealth, education, employment, homeownership, health, criminal justice, and more. The recommendations should include a portfolio of policies aligned under the following framework: i. Reckoning ii. Acknowledgment iii. Accountability iv. Redress

**Financial Implications:** See report.

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Approved recommendation.

## Council Consent Items

- 33. Supporting Ranked Choice Voting -- Opposing AB 2808 (O'Donnell)**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Author), Councilmember Robinson (Author)**  
**Recommendation:** Adopt a resolution opposing AB 2808 (O'Donnell), which would ban rank choice voting in California, including in those charter cities where the system is already in use. Send a letter to the bill author stating opposition. Send a copy of the Resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 70,280–N.S.
- 34. Support for AB 1755 (Levine)**  
**From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in Support of AB-1755: Homeowners Insurance: Home Hardening (Levine). AB-1755 will require, beginning in 2025, an insurance provider licensed in California to issue an insurance policy to a homeowner that has taken science-based actions to harden their property from wildfire risk. This legislation would also create the Wildfire Protection Grant Program under the Department of Insurance that would administer grants to residential property owners of up to \$10,000 to help pay for costs associated with home hardening and wildfire mitigation improvements. Send copies of the Resolution to Assembly Member Levine, Assembly Member Wicks, Senator Skinner, Governor Newsom and Insurance Commissioner Lara.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,281–N.S.
- 35. Support for AB-1594 Firearms: Civil Suits**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of AB-1594 (Assembly Member Ting) which would allow gun manufacturers to be sued for creating a public nuisance if their failure to follow federal, state or local law caused injury or death or if the gun industry member engaged in unfair business practices.  
Send the Resolution to Assembly Members Ting, Gipson, Ward and Wicks along with Senator Skinner and Governor Newsom.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,282–N.S.

## Council Consent Items

- 36. 2022 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's, Hahn's, Bartlett's, and Mayor Arreguin's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 19th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. In light of the vulnerability of many of the attendees, and the continuing threat of the COVID pandemic, this year's program will be held virtually on April 28, 2022.  
**Financial Implications:** See report.  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,283–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Taplin - \$500; Councilmember Harrison - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$200.
- 37. Budget Referral: Telegraph-Channing Garage Elevator Repairs**  
**From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer \$3.6M to the June 2022 budget process for urgent repairs to the Telegraph-Channing Garage elevators. Additionally, refer to the City Manager to pursue all available funding opportunities for this project, including American Rescue Plan Act funds.  
**Financial Implications:** See report.  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation as revised Supplemental Communications Packet #1 by Councilmember Robinson.

## Action Calendar – New Business

- 38. Berkeley Economic Dashboards Update**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** 2 speakers. Presentation made and discussion held.

## Action Calendar – Public Hearings

### 39. Referral Response: Research and Development (R&D) Definition

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a Zoning Ordinance amendment that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 7 speakers.

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

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

Councilmember Hahn absent 9:42 p.m. – 10:33 p.m.

**Action:** M/S/C (Wengraf/Arreguin) to adopt first reading of Ordinance No. 7,805–N.S. amended to read as noted below. Second reading scheduled for April 12, 2022.

**Research and Development:** An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

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

## Action Calendar – Old Business

### 40. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code *(Continued from January 25, 2022. Item contains supplemental materials.)*

**From: City Manager**

**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, 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, LaTanya Bellow, City Manager's Office, (510) 981-7000

**Action:** Moved to Consent Calendar. Item 40 continued to April 26, 2022.



## Information Reports

41. **FY 2022 First Quarter Investment Report: Ended September 30, 2021**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Received and filed.

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

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Arreguin; Noes – None;  
Abstain – None; Absent – Harrison, Hahn, Droste.

Adjourned at 10:33 p.m.

## Communications

### **Item #27: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

1. Aimee Baldwin

### **Item #40: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

2. Jennifer Head

### **Street Paving Adding \$9,000,000 to General Fund**

3. Alex Benn
4. David Lerman

### **UC Berkeley – Student Housing**

5. Rachel Doughty
6. Margot Smith
7. Mary Zernicke

### **Hopkins Corridor**

8. Susan Schwartz

### **Support the Plastic Bag Ordinance**

9. Sofia Pavlova
10. Peter DiMaria

### **Keeping Berkeley Residents Housed**

11. Drew Finke
12. Negeene Mosaed

- 13. Elana Auerbach
- 14. cooperlb@

### **Grocery vs Market Berkeley Redlines**

- 15. Aimee Baldwin

### **Amending His Brown Act Complaint**

- 16. Thomas Lord

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

- 17. Kiran Shenoy, on behalf of the Bridge Association of Realtors
- 18. Erin Markham
- 19. Eduardo Madrigal

### **Covid Dashboard**

- 20. Thomas Lord (2)
- 21. Councilmember Harrison

### **Berkeley Drop-In Center and the Berkeley Police Department**

- 22. Boona Cheema
- 23. Diana Bohn
- 24. Katrina Killian
- 25. Interim Police Chief Louis

### **Community Policing: Flex Team for Problem-Oriented Policing**

- 26. Josh Buswell-Charkow
- 27. Minda Berbeco
- 28. Jane Ellis
- 29. Jennifer Head
- 30. John Caner, on behalf of the Downtown Berkeley Association

### **Legal Protection for My Daughter Who Was Abused**

- 31. Mandisa Leacheman

### **Ongoing Violations of ADA and IDEA**

- 32. Gail Burke

### **Emergency Greenhouse Gas (GHA) Limits Ordinance**

- 33. Nilang Gor, on behalf of Sierra Club SF Bay Sustainable Food & Agriculture Committee

### **Parking Garage at 2215 4<sup>th</sup> Street**

- 34. Jack Litewka (3)
- 35. Anne Burns

### **Masks – Covid - Vaccinations**

- 36. Val Cipollone
- 37. David Freeling
- 38. George Torgun

**BART Redistricting 2022**

- 39. April Quintanilla

**East Bay Community Energy Finance, Administration, Procurement**

- 40. East Bay Community Energy

**Supplemental Communications and Reports 1**

**Presentation by the Anti-Eviction Mapping Project**

- 41. Executive Summary, submitted by the Anti-Eviction Mapping Project
- 42. Presentation, submitted by the Anti-Eviction Mapping Project
- 43. Report, submitted by the Anti-Eviction Mapping Project

**Item #37: Budget Referral: Telegraph-Channing Garage Elevator Repairs**

- 44. Revised material, submitted by Councilmember Robinson

**Item #39: Referral Response: Research and Development (R&D) Definition**

- 45. Marco Lobba, on behalf of Catena Biosciences

**Supplemental Communications and Reports 2**

**Presentation by the Anti-Eviction Mapping Project**

- 46. Thomas Lord

**Presentation on Seismic Retrofits for Civic Center Buildings**

- 47. John Caner, on behalf of the Community for A Cultural Civic Center

**Item 27: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

- 48. Presentation, submitted by the Auditor

**Item #37: Budget Referral: Telegraph-Channing Garage Elevator Repairs**

- 49. Dandy Harris
- 50. Erik Biggleston, on behalf of Games of Berkeley
- 51. Bonnie Gold

**Item #39: Referral Response: Research and Development (R&D) Definition**

- 52. Katie Sharp, on behalf of Activate-Berkeley
- 53. Chris Barlow, on behalf of Wareham Development

**Supplemental Communications and Reports 3**

**Presentation by the Anti-Eviction Mapping Project**

- 54. Alexandra Lacey
- 55. Sophia DeWitt
- 56. Sarah Scruggs, on behalf of Northern California Land Trust

**Item #24: Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations**

57. Kelly Hammargren

**Item #25: Letter of Support for Budget Referral: South Sailing Basin Dredging**

58. Warren Wallace, on behalf of Odyssey Open Water Swimming

**Item #32: Budget Referral: Berkeley Reparations – Funding for a Consultant to Facilitate Community Process to Design and Implement a Local Reparations Plan**

59. Margot Smith

**Item #38: Berkeley Economic Dashboards Update**

60. Presentation, submitted by the Office of Economic Development

**Item #39: Referral Response: Research and Development (R&D) Definition**

61. Presentation, submitted by Land Use Planning

62. Wesley Jackson

**Miscellaneous**

**Karen Chapelle**

63. Margot Smith