

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, April 12, 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/86759332010>. 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: **867 5933 2010**. 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: 6:05 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:

1. Recognition of 120th Birthday of The Rebbe, Rabbi Menachem M. Schneerson
2. Recognition of Victims' Rights Week and the Alameda County Victim/Witness Assistance Program

City Manager Comments:

The City Manager provided a presentation on the Homeless Response Team Data & Analysis.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from Councilmember Taplin for Item 27.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to set the speaker time at one minute for the Consent Calendar.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 42 speakers.

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

Vote: All Ayes.

Consent Calendar

**1. Implementation of Redistricting Plan for City Council District Boundaries
From: Independent Redistricting Commission**

Recommendation: Adopt second reading of Ordinance No. 7,803-N.S. implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission.

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

Financial Implications: None

Contact: Mark Numainville, Commission Secretary, (510) 981-6900

Action: Adopted second reading of Ordinance No. 7,803–N.S.

**2. 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: Adopt second reading of Ordinance No. 7,804-N.S. 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”.

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

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,804–N.S.

**3. Referral Response: Research and Development (R&D) Definition
From: City Manager**

Recommendation: Adopt second reading of Ordinance No. 7,805-N.S. that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].

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

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,805–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, and March 22, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,284–N.S.

5. Collection of Parking Space Rental Tax for City Owned Parking Lots; and Amending BMC Section 6.24.050

From: City Manager

Recommendation: Adopt a Resolution authorizing the collection of Parking Space Rental Tax for City of Berkeley owned off street parking lots pursuant to BMC 7.48.070 starting June 1, 2022, and adopt first reading an Ordinance amending BMC 6.24.050 to allow Parking Space Rental Tax to be placed in the general fund instead of a special fund.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 70,285–N.S. Adopted first reading of Ordinance No. 7,806-N.S. Second reading scheduled for April 26, 2022.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 12, 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 - \$710,000

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

Action: Approved recommendation.

Consent Calendar

- 7. Purchase Order: Eight (8) Emergency Vehicle Utility Pickup Trucks for the Berkeley Fire Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to waive the competitive procurement process for purchase and upfitting of emergency vehicles for the Berkeley Fire Department (Department) for eight (8) utility pickup vehicles in an amount not to exceed \$621,000.
Financial Implications: Various Funds - \$621,000
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,286–N.S.
- 8. Mental Health Services Act Innovations - Encampment-Based Mobile Wellness Center Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Encampment-based Mobile Wellness Center Project Plan and any extensions, for services, activities, and supports for unhoused individuals in Berkeley, in a total amount not to exceed \$2,802,400 over a five-year period beginning in FY2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,287–N.S.
- 9. Revenue Contract: Mental Health Services Oversight and Accountability Commission for \$2,500,000 for Coordination and Provision of Mental Health Services in Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the Mental Health Services Oversight and Accountability Commission (MHSOAC) through the Mental Health Student Services Act Request for Applications, accept the funding, and execute any resultant revenue agreements and amendments to coordinate and provide mental health services in the Berkeley Unified School District (BUSD) for \$2,500,000 in FY 2022 through FY 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,288–N.S.

Consent Calendar

10. Revenue Grant Agreement: Funding Support from the California Department of Public Health, Oral Health Program to conduct Public Health Promotion, Protection, and Prevention Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to California Department of Public Health, Oral Health Program, to accept the grant, execute any resultant revenue agreement and amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the California Department of Public Health-Oral Health Program, in the projected amount of \$173,408 annually for Fiscal Years 2023, 2024, 2025, 2026, and 2027.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,289–N.S.

11. Ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021

From: City Manager

Recommendation: Adopt a Resolution to acknowledge and ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021.

Financial Implications: None

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,290–N.S.

12. Re-establish Senior Engineering Inspector Classification

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,996-N.S.

Memorandum of Understanding: Public Employees Union – Local 1, Re-establishing the Senior Engineering Inspector classification.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 70,291–N.S.

Consent Calendar

- 13. Contract: Sysco San Francisco for Food Services for Tuolumne and Echo Lake Resident Camps**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Sysco San Francisco for food services at the City of Berkeley Tuolumne and Echo Lake Resident Camps for a five-year period, beginning May 1, 2022 and ending May 1, 2027, in an amount not to exceed \$4,468,610, subject to the City's annual budget appropriation process.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,292–N.S.
- 14. Donation: Bench and picnic equipment at Codornices Park in memory of Lucinda Sikes**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation in the amount of \$16,000 donation from the local friends of Lucinda Sikes for a memorial bench and picnic equipment to be placed at Codornices Park in memory of Lucinda.
Financial Implications: Revenue - \$16,000 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,293–N.S.
- 15. Revenue Grant: FEMA Hazard Mitigation Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds in the amount of \$1.25 million, comprising at least \$910,000 from property owner funds, with the remainder through in-kind City staff time, for a Hazard Mitigation Grant application in the amount of \$3.75 million for the Retrofit Grants Program to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program and designating the applicant's authorized agent.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 70,294–N.S.
- 16. Revenue Grant: Fiscal Year 2022-2025 Department of Justice Tobacco 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 Justice (DOJ) in the amount of \$191,053 for three fiscal years, 2021-22 through 2024-25.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,295–N.S.

Consent Calendar

17. **Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2022 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11470-C; 2) approving the plans for the Intersection Reconfiguration at Dwight Way and California Street Project, Specification No. 22-11485-C; 3) rejecting the lowest bid from Azul Works, Inc. as non-responsive; 4) accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc.; and 5) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$6,084,809.
Financial Implications: See Report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,296–N.S.
18. **Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution directing staff to 1) prepare a draft Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities on City-owned and maintained streetlight poles in the public right-of-way, and 2) return to City Council for review and consideration of template approval.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,297–N.S.

Council Consent Items

19. **Budget Referral: \$60,000 to the FY 2023-2024 Budget Process for Supply Bank School Supply Distribution**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the FY 2023-2024 budget process \$60,000 for Supply Bank (\$30k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.
Financial Implications: \$60,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

- 20. Assembly Bill 1944: Support and Seek Amendments**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving a support and seek amendments position on Assembly Bill (AB) 1944 (Lee), which amends the Brown Act to permanently enable meetings of legislative bodies to be conducted through videoconference or teleconference with flexibility on noticing requirements. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,298–N.S.
- 21. Support of AB 1947 – Addressing Hate Crimes**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Assembly Bill (AB) 1947 (Ting), which will require law enforcement agencies to adopt policies around how to identify, respond to, and report hate crimes. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,299–N.S.
- 22. Resolution Reaffirming the City of Berkeley’s Commitment to Transgender Rights**
From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley’s commitment to Transgender and Gender Expansive Rights
Financial Implications: None
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Adopted Resolution No. 70,300–N.S.
- 23. Budget Referral: Municipal Electric Vehicle Charging Infrastructure**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: That the City Council refer to the FY2023-24 budget process the funding of electric charging infrastructure for the City’s fleet of electric vehicles.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

Council Consent Items

- 24. Budget Referral: West Berkeley Park Ambassadors**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refer to the FY2023-24 budget process the funding for Park Ambassadors at San Pablo Park, Strawberry Creek Park, and Aquatic Park.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 25. Support for AB-1608 (Angelo Quinto Act of 2022)**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner's Offices (Gipson).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 26. Native and Drought Resistant Plants and Landscaping Policy Update** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution amending the Native Species/Bay-Friendly Landscaping Policy to require, when appropriate, the prioritization of native, non-invasive, and pollinator friendly plantings on City property.
Policy Committee Recommendation: On March 9, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a Positive Recommendation to forward the item to the City Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 70,301–N.S. as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Council Consent Items

27. **Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models** *(Reviewed by the Public Safety Committee)*
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Refer to the City Manager the establishment of a Flexible Team for Problem-Oriented Policing in the Berkeley Police Department, following the SARA model and other applicable community engagement models, including Berkeley Ceasefire.
Policy Committee Recommendation: On March 7, 2022, the Public Safety Committee made a Positive Recommendation to the City Council for the item to be considered as part of the reimagining public safety process.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation of the Public Safety Committee. Supplemental material submitted at the meeting by Councilmember Taplin.
28. **Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24**
From: Councilmember Harrison (Author)
Recommendation: Refer to the FY 23 and FY 24 Bi-annual Budget Process \$100,000 to provide the Mayor, on behalf of the Budget Committee and Council, the means to hire a certified public accountant throughout both fiscal years to provide supplemental assistance in fulfilling budgetary obligations pursuant to the Charter.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Hahn) to approve the recommendation as revised in Supplemental Communications Packet #1 from Councilmember Harrison.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani (Recused – working relationship with named entity).

Council Consent Items

29. Berkeley Public Library Foundation's 19th Annual Authors Dinner Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

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

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$500 from Councilmember Wengraf, \$200 from Mayor Arreguín, and \$200 from Councilmember Hahn, to the Berkeley Public Library Foundation's 19th Annual Authors Dinner event with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and additional funds from Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs, and services of the Berkeley Public Library. Recent gifts to the Foundation helped the library redesign its services during the pandemic, outfit a culinary tool lending library, and complete needed capital improvements to the downtown Central Library.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,302–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Robinson - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100.

30. Kala Art Institute 2022 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

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

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2022, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmembers Hahn and Taplin, Mayor Arreguín, and any other Councilmembers who would like to contribute.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,303–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Robinson - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100; Councilmember Wengraf - \$250.

Council Consent Items

- 31. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the 19th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 28th from 2:00 – 3:00 PM.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted proclamation.
- 32. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2023/2024 budget process a request for \$6,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Taplin added as a co-sponsor. Approved recommendation.
- 33. Budget Referral: Downtown Berkeley BART Station Modernization Design**
From: Councilmember Robinson (Author), Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Refer \$250,000 to the June 2022 budget process to contribute to funding Bay Area Rapid Transit's preliminary design engineering work for the Downtown Berkeley BART Station Modernization project.
Financial Implications: General Fund - \$250,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.
- 34. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Suitcase Clinic**
From: Councilmember Robinson (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Robinson, to the Suitcase Clinic to fund homeless outreach supplies and in-clinic expenses.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 70,304–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Hahn - \$200; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100; Councilmember Wengraf - \$250.

Council Consent Items

- 35. Support for AB 2050: Ellis Act Reform**
From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2050, which would require five years of ownership before a rental property owner can proceed with an eviction pursuant to the Ellis Act, with exemptions for small landlords.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Mayor Arreguin added as a co-sponsor. Approved recommendation.
- 36. Support for SB 649: Affordable Housing Local Tenant Preference**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Senator Dave Cortese, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Senate Bill 649, which would enable the creation of local tenant preferences policies for affordable housing.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmembers Harrison and Bartlett added as co-sponsors. Approved recommendation.
- 37. Support for AB 2147: Jaywalking Decriminalization**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Wengraf, Droste, Arreguin; Noes – Harrison.
- 38. Support for SCA 2: Article 34 Repeal**
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Droste (Co-Sponsor)
Recommendation: Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 70,305–N.S.

Recess 8:06 p.m. – 8:21 p.m.

Action Calendar – Old Business

- 39. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities** *(Continued from March 22, 2022. Item contains supplemental material.)*

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: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:05 p.m.

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

Councilmember Wengraf absent 10:49 p.m. – 11:02 p.m.

Action: 8 speakers. M/S/C (Arreguin/Robinson) to 1) accept the Auditor’s report; 2) request that the City Manager report back by September 29, 2022 on status of recommendations, and every six months thereafter until fully implemented; 3) expedite implementation of recommendation #4; and 4) set a goal for September 2022 for the City Attorney, City Manager, and Police Department to have contracts in place for services with outside entities including all overhead/administrative costs, termination clauses, and ability to reassign officers as needed.

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

Action Calendar – New Business

- 40a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

From: Commission on Labor

Recommendation: Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

Financial Implications: See report

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

Action Calendar – New Business

40b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

From: City Manager

Recommendation: Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

Financial Implications: See report

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

Action: Items 40a and 40b moved to the Consent Calendar and referred to the Health, Life Enrichment, Equity, and Community Policy Committee, including the supplemental material in Supplemental Communications Packet #1 from Councilmember Harrison.

41a. UC Berkeley Agreement

From: Disaster and Fire Safety Commission

Recommendation: The University of California recently agreed to pay the City of Berkeley \$4.3 million a year to cover cost expended by the City due to the University's expansion and cost on the City. The funding is intended to 'support fire and city services.' The DSFC recommends that the City administer the funds separately from the general funds and with public review under the DSFC similar to FF and GG for the duration of the agreement.

Financial Implications: None

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

41b. Companion Report: UC Berkeley Agreement

From: City Manager

Recommendation: Use the General Fund and existing budget process to administer payments received through the University of California settlement.

Financial Implications: See Report

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

Action: Item 41b from the City Manager to the Consent Calendar. Approved recommendation. No action taken on Item 41a.

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

Adjournment

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

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

Adjourned at 11:02 p.m.

Communications

Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models

1. Susan Payne
2. Matt Ruby
3. Jeff Vincent
4. Phyllis Kamrin
5. Alicia Carter
6. Paula Hollowell
7. Bradley Morris
8. Charlene Washington
9. aliciacatherinemorre@
10. Michelle Braasch-Carman
11. Frances Haselsteiner
12. Damian Park
13. Sarah Garrett
14. Kenneth Berland
15. Nancy Chamberlain
16. Naomi Marks
17. Stacey Murphy
18. David Lerman
19. Charles Clarke
20. Eric Friedman
21. Nathan Scullion
22. Antoine Grondin
23. Thomas Luce
24. Stephen Wilson
25. Kitt Saginor
26. Diana Bohn

Vision 2050

27. David Lerman

UC Berkeley Students Cap

28. Michael Fullerton (2)

Housing

29. Grayson Peters
30. Avran Gur Arye (3)

Paving Ballot Measure

31. Alex Sharenko

Hazardous Condition of Crosswalk at Francisco Street and Sacramento

32. David Lerman

Landmark Preservation of the California Theatre

33. Sonia Mistry

Revitalization of the Downtown Area

34. Steven Schuyler

Parking Enforcement Outside the SPARK Program

35. Diana Bohn

Corporate Money in Berkeley Elections

36. Nilang Gor

Underground Wiring of PG&E

37. Pamela Doolan

Project of “The Next One”

38. Anonymous

Bench Needed at Caesar Chavez Park

39. Michael Fullerton

40. Michelle Silver

Climate Change

41. Jeff White

42. Thomas Lord

COVID-19 and Masks

43. George Torgun

Eden I&R Newsletter

44. Eden I&R

Freedom of Speech

45. Nilang Gor

Berkeley Food Procurement

46. Nilang Gor, on behalf of the Sierra Club

Shut Down America’s Coal Industry

47. Jeff White

Station Access at North Berkeley BART

48. David Brandon

Sanctuary Contracting Ordinance

49. Elana Auerbach

Redistricting

50. Elisabeth Watson

North Berkeley BART Development

51. 35 similarly-worded from letters

52. Charlene Woodcock

53. Aimee Baldwin

54. Vicki Sommer

55. Kenneth Gross

56. Sean Bouvet

57. Holly Scheider

58. Kevin James and Tom Reilly

59. Deborah Gouailhardou

60. Carol Hirth

61. Larry Orman

62. Toni Casal (2)

63. Tony Corman

64. Roberta Silverstein

65. Maud Engel

66. S.P. Neyhart

Paid Parking System – Smart Space

67. Kit Vanbuskirk

Tenant Opportunity to Purchase Act (TOPA)

68. 10 similarly-worded form letters

69. Rahel Smith

70. Ginny Madsen

71. Jeffrey Melcher

72. Ayanna Davis

Dog's Off Leash

73. Heather Lee Khvatsky

Supplemental Communications and Reports 1

74. Christine Staples

75. Amanda Strickler

76. Amol Rao

77. Phyllis Kamrin

78. Luan Nio

79. Eric Friedman

80. jennywhite@

81. Chris Horgan & Elena Prakoura

- 82. Claudia Kawczynka
- 83. Adam Fuchs
- 84. Fran Haselsteiner
- 85. Marcia DuBois
- 86. Deborah and Roy Scott
- 87. Elizabeth Arenas

Item #28: Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24

- 88. Revised material, submitted by Councilmember Harrison

Item #40a: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

- 89. Supplemental material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models

- 90. Susan Springborg
- 91. Leslie Berkler, on behalf of the Women's Daytime Drop-In Center
- 92. Beth Roessner, on behalf of the Berkeley Chamber of Commerce
- 93. Steve Kromer, et al
- 94. Charles Clarke
- 95. Ann Squires
- 96. Toni Mester
- 97. Jeff Vincent

Supplemental Communications and Reports 3

City Manager Comments

- 98. Presentation, submitted by the City Manager's Office

Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models

- 99. Supplemental material, submitted by Councilmember Taplin
- 100. Elizabeth Lee
- 101. Ken Berland
- 102. Diana Bohn
- 103. Margaret Flaherty
- 104. Julie Chervin
- 105. Shmuel Weissman
- 106. Damien Murtagh
- 107. Tai Yu, on behalf of Great China Restaurant

108. Dave Fogarty
109. Minda Berbeco
110. Alison Huetter
111. Lorenzo Avila
112. Isabelle Gaston
113. Ben Buettner
114. Todd Andrew
115. Paul Gumpel
116. Cynthia Harbaugh
117. John Poppleton
118. Chimey Lee
119. Meryl Siegal

Item #39: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

120. Barbara Gilbert

Item #40a: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

121. Barry Braden, on behalf of Fieldwork Brewing Company
122. Kirk & Amanda Jung, on behalf of The Barkmont
123. Bruce Carlton, on behalf of Residence Inn by Marriott Berkely
124. Maureen McGraw, on behalf of Meyer Sound
125. Matt Sutton, on behalf of the California Restaurant Association

Item #40b: Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

126. Beth Roessner, on behalf of the Berkeley Chamber
127. Drew Johnson, on behalf of Bayer
128. Dell Dellinger, on behalf of the Hotel Shattuck