

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 6, 2022**  
**6:00 PM**

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

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 IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, additional public health protocols will be in place. If you are feeling sick, please do not attend in person.*

*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](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/84189893148>. 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: 841 8989 3148. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

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

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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 6:07 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 Lori Droste, Councilmember, District 8

### City Manager Comments:

The City Manager presented the Homeless Response Team Data and Progress Report

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 14 speakers.

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

**Vote:** All Ayes.

1. **Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
**From:** City Manager  
**Recommendation:** Adopt an Urgency Ordinance to enter into a lease for the real property located at 1720 San Pablo Avenue, Berkeley, CA for a term of 5 years.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Urgency Ordinance No. 7,848–N.S. as revised in Supplemental Communications Packet #1 by the City Manager's Office.

## Consent Calendar

- 2. Amend Contract No. 32100161 with Dorothy Day House to extend Horizon Village Shelter and Safe RV Parking Program operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100161 with Dorothy Day House (DDH) to add \$612,559 to cover costs to extend the Safe RV Parking Program (SPARK) through December 31, 2022 and costs to operate the Horizon Village Shelter (HVS) from October 1, 2022 through June 30, 2023 (including the Berkeley Inn from December 7, 2022 through June 30, 2022), for a total contract amount not to exceed \$2,270,177.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,623–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 6, 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 - \$2,581,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 4. Classification and Salary: ADA Program Coordinator**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the represented classification Disability Services Specialist to ADA Program Coordinator with a monthly salary range of \$9,231.73 - \$11,162.67.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,624–N.S.
- 5. Donation: Memorial Bench at Cesar Chavez Park in memory of Linda Loh**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Linda Loh.  
**Financial Implications:** Marina Fund - \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,625–N.S.

## Council Consent Items

### Council Consent Items

6. **Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs** (*Reviewed by the Health, Life Enrichment, Equity & Community Committee*)  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:**

1. Refer to the City Manager to Strengthen Adult Criminal Justice Re-Entry Employment Programs in Berkeley by studying re-entry programs, supports, and systems already available for Berkeley residents, strengthening linkages, and identifying gaps. Report findings back to the Health, Life Enrichment, Equity & Community Committee during 2023.
2. Refer \$50,000 to the Budget Process to engage a consultant to recommend a Universal Income Pilot for Berkeley. Recommendation to include evaluation of: - Potential funding sources; -Appropriate and recommended models for Berkeley; - Target population(s) to be supported by Pilot; -Program delivery models; -Evaluation; -Any and all other elements/factors to establish an effective Universal Income Pilot for Berkeley.

Considerations for target populations may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.

3. Refer to the City Manager to establish evaluation processes and metrics for all social services programs recommended through the Reimaging Public Safety Process, including but not limited to violence prevention services, adult reentry programs, and mental health crisis response, and report evaluation outcome to the City Council.

*Policy Committee Recommendation: To forward the item to Council with a positive recommendation that the City Council approve the item with the Author's substitute recommendations (as detailed in the report).*

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** Approved recommendation as recommended by the Health, Life Enrichment, Equity & Community Committee.

Recess 8:47 p.m. – 8:57 p.m.

7. **Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral** (*Continued from November 15, 2022*)  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** 3 speakers. Presentation made and discussion held.

## Action Calendar – Public Hearings

### Action Calendar – Public Hearings

#### 8. **Renewal of the Elmwood Avenue BID for Calendar Year 2023**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2022-23 and, if no majority protest exists, levy annual assessments in the District for calendar year 2023 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Droste/Wengraf) to adopt Resolution No. 70,626–N.S.

**Vote:** All Ayes.

#### 9. **Adoption of the 2022 California Fire Code with Local Amendments – Second Reading**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,845-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, L (as amended by BMC 19.48.020, Amendments to the California Fire Code) and O published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Harrison) to adopt the second reading of Ordinance No. 7,845-N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 10. Citywide Affordable Housing Requirements

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance to amend the Berkeley Municipal Code Chapter 23.328, updating the citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance and repealing existing administration and zoning code sections that refer to affordable housing requirements, BMC Section 22.20.065, and Section 23.312.040(A)(6), to become effective on April 1, 2023.
2. Adopt a Resolution establishing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2) (Attachment 2) upon the effective date of contemporaneously adopted amendments to BMC Section 23.328, and rescind Resolution No. 68,074-N.S. related to fees, exemptions, and administration of inclusionary affordable housing and in-lieu programs upon the effective date of contemporaneously adopted amendments to BMC Section 23.328.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Item 10 removed from the agenda by the City Manager.

## Information Reports

### 11. FY 2022 Fourth Quarter Investment Report: Ended June 30, 2022

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 2 speakers.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:36 p.m.

## Communications

### Homelessness/Encampments

1. Pamela Michaud
2. Mike Kim (3)
3. Justin Shapiro
4. Peter Radu (2)
5. Ron Restani

### Property Crime Is On The Rise

6. Jordan Sax

**CalPERS Funding for City of Berkeley**

7. Geoff Lomax

**Harriet Tubman Terrace Apartments**

8. Daxinxoso Oyamasela

9. M. Mendonca

**People's Park**

10. Susanna Lamaina

11. Wynd Kaufmyn

12. Jacob Picheny

**North Berkeley BART Development**

13. Sue Martin

14. Virginia Browning

15. Vicki

**Staffing Shortage at City of Berkeley**

16. David Lerman

**EV Scooter Hazards - Being Ridden On Sidewalk**

17. Kathleen Krier

**E-Bike Rebate**

18. Edwin Bish

**Berkeley Police Department Culture**

19. Diana Bohn

**Measure L**

20. Krista Denton

21. Robert Reiter

**Letter of Commendation for an Ecology Employee**

22. Mary McBride

**Eviction Moratorium**

23. Carol Curtis

**Most Future-Ready Cities**

24. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
25. Supplemental material, submitted by the City Manager's Office

**Item #10: Citywide Affordable Housing Requirements**  
26. Supplemental material, submitted from Planning and Development

## **Supplemental Communications and Reports 2**

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
27. Meryl Siegal  
28. Aimee Baldwin

**Item #2: Amend Contract No. 32100161 with Dorothy Day House to extend Horizon Village Shelter and Safe RV Parking Program operations**  
29. Elana Auerbach

**Item #6: Office of Racial Equity: Re-Entry Employment and Guaranteed Income**  
30. Lorenzo Grayson

## **Supplemental Communications and Reports 3**

### **City Manager Comments**

31. Presentation "Homeless Response Team Update", submitted by the City Manager's Office

**Item #1: Urgency Ordinance for Leasing the Real Property at 1720 San Pablo Avenue**  
32. Acacia Schmidt  
33. Beth Gerstein, on behalf of Councilmember Kesarwani  
34. Meryl Siegal  
35. Hans Ashlock  
36. Toni Mester

**Item #6: Office of Racial Equity: Re-Entry Employment and Guaranteed Income**  
37. Tom Lent  
38. Igor Tregub, on behalf of the Sierra Club  
39. Igor Tregub, on behalf of the Alameda County Democratic Party  
40. Ayanna Davis  
41. Maryann O'Sullivan

**Item #7: Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral**  
42. Presentation, submitted by the Police Department

**Item #10: Citywide Affordable Housing Requirements**  
43. Toni Mester (2)  
44. Janis Ching