



Office of the City Manager

CONSENT CALENDAR  
November 15, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of September 6 (closed), September 13 (special and regular), September 19 (closed), September 20 (closed, special and regular), September 29 (closed and regular), October 11 (special and regular), October 20 (closed) and October 28, 2022 (closed).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 6, 2022 - Special Closed Council Meeting
2. September 13, 2022 - Special Council Meeting
3. September 13, 2022 - Regular Council Meeting
4. September 19, 2022 - Special Closed Council Meeting
5. September 20, 2022 - Special Closed Council Meeting
6. September 20, 2022 - Special Council Meeting
7. September 20, 2022 - Regular Council Meeting
8. September 29, 2022 - Special Closed Council Meeting
9. September 29, 2022 - Regular Council Meeting
10. October 11, 2022 - Special Council Meeting
11. October 11, 2022 - Regular Council Meeting
12. October 20, 2022 – Special Closed Council Meeting
13. October 28, 2022 – Special Closed Council Meeting

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**TUESDAY, SEPTEMBER 6, 2022**

**4:30 P.M.**

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.*

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*To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free); enter Meeting ID: 161 925 1833. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:32 p.m.

**Present:** Droste, Harrison, Kesarwani, Robinson, Wengraf, Arreguin

**Absent:** Bartlett, Hahn, Taplin

Councilmembers Hahn and Taplin present at 4:45 p.m.

**Public Comment - Limited to items on this agenda only – 5 speakers.**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

#### Closed pursuant to Government Code Section 54956.9(d)(1)

a. Deal v. City of Berkeley, Alameda County Superior Court Case No. RG21110607

**Action:** M/S/C (Arreguin/Wengraf) to authorize the City Attorney to settle the matter of Deal v. City of Berkeley (Alameda County Superior Court Case No. RG21110607) for the amount of \$349,999, in exchange for a full release of claims.

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

b. Secure Justice v. City of Berkeley, Alameda County Superior Court Case No. 21CV003630

**Action:** No reportable action taken.

c. Timothy Gardner v. City of Berkeley, U.S. District Court Northern District, Case No. 3:18-cv-7784

**Action:** M/S/C (Wengraf/Arreguin) to authorize the City Attorney to settle the matter of *Timothy Gardner v. City of Berkeley* (U.S. District Court Case No. 3:18-cv-07784-VC) for \$185,000, in exchange for a full release of claims.

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

### 2. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Police Accountability

b. **Title of position to be filled:** Director of Information Technology

**Action:** No reportable action taken.

Councilmember Kesarwani absent at 6:15 p.m. – 6:44 p.m.

## OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

The City Council met in closed session and authorized the City Attorney to settle the matter of *Deal v. City of Berkeley* (Alameda County Superior Court Case No. RG21110607) for the amount of \$349,999, in exchange for a full release of claims.

The City Council met in closed session and authorized the City Attorney to settle the matter of *Timothy Gardner v. City of Berkeley* (U.S. District Court Case No. 3:18-cv-07784-VC) for \$185,000, in exchange for a full release of claims.

## Adjournment

Councilmember Droste absent at 6:42 p.m. – 6:44 p.m.

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

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

Adjourned at 6:44 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of September 6, 2022 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, September 13, 2022  
5:00 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

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*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:** 5:02 p.m.

**Present:** Taplin, Harrison, Hahn, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett, Wengraf

Councilmember Kesarwani present at 5:08 p.m.

## Consent Calendar

**Public Comment on Consent Calendar Items Only:** 1 speaker.

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

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

## Consent Calendar

### 1. Modifying the 2022 City Council Meeting Schedule

**From:** City Manager

**Recommendation:** Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to reschedule the October 6, 2022 regular meeting to October 11, 2022.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,495–N.S.

### 2. Appointment of Director of Information Technology

**From:** City Manager

**Recommendation:** Adopt a Resolution confirming the appointment of Kevin Fong as the Director of Information Technology to be effective September 18, 2022 at an annual salary of \$205,000.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Adopted Resolution No. 70,496–N.S.

## Adjournment

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

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

Adjourned at 5:10 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of September 13, 2022 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 13, 2022**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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 DISTRICT 2 – TERRY TAPLIN  
 DISTRICT 3 – BEN BARTLETT  
 DISTRICT 4 – KATE HARRISON

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## Preliminary Matters

**Roll Call:** 6:01 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:05 p.m.

### Report from Closed Session

The City Council met in closed session and authorized the City Attorney to settle the matter of Timothy Gardner v. City of Berkeley (U.S. District Court Case No. 3:18-cv-07784-VC) for \$185,000, in exchange for a full release of claims.

The City Council met in closed session and authorized the City Attorney to settle the matter of Deal v. City of Berkeley (Alameda County Superior Court Case No. RG21110607) for the amount of \$349,999.00, in exchange for a full release of claims.

### Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Adjourn in memory of Leisl Griffith Redmond, City of Berkeley Employee
3. Adjourn in memory of Neil Mayer, Former City of Berkeley Employee
4. Adjourn in memory of Ying Lee Kelley, Former City of Berkeley Councilmember
5. Adjourn in memory of Victor Herbert, Berkeley Resident and Community Mediator
6. Adjourn in memory of Barbara Ehrenreich, Author and Political Activist

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 8 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to accept:

1. Revised material from the Public Works Department on Item 21.
2. Supplemental material from Councilmember Taplin on Item 34.
3. Supplemental material from Councilmember Taplin on Item 35.

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

Councilmember Wengraf absent 6:35 p.m. – 7:15 p.m.

**Public Comment on Consent Calendar and Information Items Only:** 26 speakers.

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

**Vote:** All Ayes.

## Recess Items

- 1. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems, Inc. for Electronic Health Records**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc., increasing the amount by \$188,955 for a total contract value not to exceed \$1,008,291 and extending the term from September 30, 2010 through June 30, 2024.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,497–N.S.
- 2. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 31900288 with Disability Access Consultants (DAC) for Americans with Disabilities Act (ADA) Transition Plan and On-Call ADA accessibility consulting services, increasing the contract amount by \$122,000 for a total not-to-exceed amount of \$606,800 and extend the contract term to June 30, 2023.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,498–N.S.
- 3. Contract No. 32100194 Amendment: Bay Cities Paving & Grading, Inc. for Construction and Repairs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100194 with Bay Cities Paving & Grading, Inc. for work on the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C, increasing the current contract amount by \$260,000, for a total amount not to exceed \$4,556,733.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,499–N.S.

## Consent Calendar

**4. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of July 7 (closed), July 12 (closed and regular), July 18 (closed), July 26 (special and regular) and August 3 (special).

**Financial Implications:** None

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

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

**5. Contract: Municipal Resource Group for Addressing Impacts Resulting from Great Resignation**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Municipal Resource Group (MRG) for professional services needed to respond to the impacts within the City as a result of the Great Resignation. Total contract direct costs will not exceed \$87,675.

**Financial Implications:** General Fund - \$87,675

Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000

**Action:** Adopted Resolution No. 70,500–N.S.

**6. Contract No. 32100053 Amendment: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32100053 with Orsolya Kuti for on-site veterinary services for Berkeley Animal Care Services, increasing the contract amount by \$8,000 for a new total not to exceed amount of \$228,000, and extending the contract term to September 14, 2023.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Adopted Resolution No. 70,501–N.S.

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 13, 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 - \$440,000

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

**Action:** Approved recommendation.

## Consent Calendar

- 8. Request for Proposal for Project Homekey**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing City Manager to: 1. Release a Request for Proposals (RFP) for a Homekey Round 3 Project; and 2. Consider a reservation of up to \$8.5M in General Funds collected pursuant to Measure P, and/or other funding source, to support a future Homekey project.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,502–N.S.
- 9. Contract: Tiana Sanchez International LLC for HHCS Equity Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Tiana Sanchez International, LLC. (Contractor) to provide equity consulting services for the Department of Health, Housing and Community Services (HHCS) from October 1, 2021 to May 30, 2023 in an amount not to exceed \$120,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,503–N.S.
- 10. Contract No. 31900043 Amendment: Kings View Professional Services for Mental Health Reporting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900043 with Kings View Professional Services to provide mental health financial reporting services through June 30, 2024 in an amount not to exceed \$220,628.  
**Financial Implications:** Mental Health Realignment-Administration Account - \$57,100  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,504–N.S.
- 11. Accept Future of Public Health Funds from the State of California**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments for the Future of Public Health program for an amount of \$912,213 for the Fiscal Year 2023.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,505–N.S.

## Consent Calendar

- 12. Donation of Painting Services from MB Jessee Painting, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the donation of painting services and materials from MB Jessee Painting, Inc., estimated to be a value of \$8,994, to paint interior areas of 1900 6th Street building in accordance with Administrative Regulation 3.19, Donations to the City from Individuals of Outside Organizations.  
**Financial Implications:** \$8,994 (Donation)  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,506–N.S.
- 13. Contract No. 8392 Amendment: Innovative Claim Solutions (ICS) for claims administration of the City’s Workers’ Compensation Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to extend Contract No. 8392 with Innovative Claims Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), for an additional term of three years from July 1, 2022 through June 30, 2025 at a decreased annual rate of \$570,000 for a total contract amount of \$7,393,611 for year 2023.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,507–N.S.
- 14. AHEAD, Inc: Using the California Department of General Services’ (DGS) Software Licensing Program (SLP) for Software License Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, Inc. (“AHEAD”) for the purchase of Varonis software licenses and professional services, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$71,481 for a total amount not-to-exceed \$236,305, and the period beginning September 29, 2022 through September 28, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$71,481  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,508–N.S.

## Consent Calendar

- 15. Lease Agreement: 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park with Waterside Workshops**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Waterside Workshops to use the 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park for a lease term anticipated to begin November 1, 2022 and ending November 1, 2031.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopt first reading of Ordinance No. 7,831–N.S. Second reading scheduled for September 29, 2022.
- 16. Donation: Memorial Bench at the Cesar Chavez Park in memory of Walt and Trudee Rowson**  
**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 the Cesar Chavez Park at the Berkeley Marina in memory of Walt and Trudee Rowson.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,509–N.S.
- 17. Donation: Memorial Bench at the Cesar Chavez Park in memory of Don Rothenberg**  
**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 the Cesar Chavez Park at the Berkeley Marina in memory of Don Rothenberg.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,510–N.S.
- 18. Donation: Memorial Bench at the Indian Rock Park in memory of Dave Altman**  
**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 Indian Rock Park at the Berkeley Marina in memory of Dave Altman, a longtime Berkeley rock climber and a treasured member of the rock-climbing community.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,511–N.S.

## Consent Calendar

- 19. Contract: Bellingham Inc. to Replace and Repair Docks at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Bellingham Inc. to repair and replace docks at the Berkeley Marina in a total amount not-to-exceed \$550,000, which includes a contract amount of \$480,000 and a 14.58% contingency in the amount of \$70,000.  
**Financial Implications:** Marina Fund - \$550,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,512–N.S.
- 20. Revenue Grant: California Office of Traffic Safety (OTS) for the 2023 “Selective Traffic Enforcement Program (STEP) Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$180,000 for the period of October 1, 2022 through September 30, 2023, which is Federal Fiscal Year 2023  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,513–N.S.
- 21. 2022 Vision Zero Program Grant Applications**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions:  
1. Certifying that the Berkeley Vision Zero Action Plan, the Berkeley Bicycle Plan, and the Berkeley Pedestrian Plan, collectively meet the Safe Streets and Roads for All grant program requirement for a Comprehensive Safety Action Plan.  
2. Authorizing the City Manager to submit a grant application to the federal Safe Streets and Roads for All (SS4A), accept the grant awarded, and execute any resultant agreements and amendments.  
3. Authorizing the City Manager to submit a grant application to the federal Reconnecting Communities Pilot Grant Program (RCP), accept the grant awarded, and execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,514–N.S. (Plans); Resolution No. 70,515–N.S. (SS4A); and Resolution No. 70,516–N.S. (RCP) as revised in the Supplemental Communications Packet #3 from the Public Works Department to increase the grant funding request for Safe Streets and Roads for All to \$8,000,000, and to authorize the City Manager or their designee to submit the grant applications, accept the grants awarded, and execute any resultant agreements and amendments.

## Consent Calendar

**22. Red Curbs and Visible Signage**

**From: Disaster and Fire Safety Commission**

**Recommendation:** The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully requests that Council immediately take the following remedial actions to improve emergency vehicle access and residents’ ability to evacuate in the event of a wildfire, while we await implementation of more comprehensive long-term actions such as the Safe Passages program. In identified high fire risk areas (Fire Zones 2 and 3) and in other high-risk areas, such as where hazardous chemicals are stored or used: 1. Inspect, fix or replace all parking restriction signage as necessary; 2. Red curb all fire hydrant areas to the maximum extent allowed by law; and 3. Direct the Fire Department and Public Works to identify areas that could be pinch points for fire trucks to travel.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

**23. Appointment of Judy Appel to Mental Health Commission for the City of Berkeley**

**From: Mental Health Commission**

**Recommendation:** Adopt a Resolution appointing Judy Appel as a representative of the Special Public Interest Category (family member), to complete her first 3- year term beginning September 14, 2022 and ending September 13, 2025.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,517–N.S.

**24. Taking Action on the City of Berkeley’s Commitment to Abortion Access**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution Taking Action on the City of Berkeley’s Commitment to Abortion Access.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 70,518–N.S.



## Council Consent Items

- 25. Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin to the Pacific Center for Human Growth, for the planning and production of a historical quilt to honor their 50th anniversary. Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Funds - \$1,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,519–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$100; Councilmember Hahn - \$250; Councilmember Droste - \$100; Councilmember Harrison - \$100; Councilmember Kesarwani - \$100; Councilmember Taplin - \$100.
- 26. Ordinance Amendment: Correction to the COVID-19 Emergency Response Ordinance, BMC Chapter 13.110.**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt the first reading of an Ordinance correcting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance, to clarify the effect of Ordinance No. 7,762-N.S. upon tenant protections that were inadvertently omitted during the last update of BMC Chapter 13.110.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmember Harrison added as a co-sponsor. Adopt first reading of Ordinance No. 7,832–N.S. Second reading scheduled for September 29, 2022.
- 27. Resolution in Support of High-Quality, Equitable Healthcare Services at UCSF Children's Hospital Oakland**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution in support of patients, nurses, doctors, caregivers and other employees at UCSF Children's Hospital Oakland; and send resolution to the UC Board of Regents, UC Office of the President, and UCSF Health.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,520–N.S.

## Council Consent Items

**28. Berkeley Youth Alternatives (BYA) Charity Golf Classic: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the 4th Annual Charity Golf Classic hosted by Berkeley Youth Alternatives (BYA).

**Financial Implications:** Councilmember's Discretionary Funds - \$200

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

**Action:** Adopted Resolution No. 70,521–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Kesarwani - \$100; Mayor Arreguin - \$200.

**29. California Marriage Equality Resolution (Prop 8 Repeal)**

**From: Councilmember Taplin (Author), Councilmember Droste (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

**Recommendation:** Adopt a Resolution Urging the California Legislature to Place a Measure on the Ballot to Repeal Article I Section 7.5 of the State Constitution, a.k.a. Proposition 8; and send copies to the Offices of the Speaker of the Assembly, Senate President Pro Tempore, and Governor.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,522–N.S.

## Council Consent Items

30. **Referral: Keep Innovation in Berkeley** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

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

**Recommendation:** Refer to the City Manager and the Planning Commission to consider and return to Council with Zoning Ordinance amendments, codified performance standards, and other actions to encourage the growth and retention of Research & Development (R&D) in Berkeley. Staff and the Commission should explore: 1. Naming R&D as an allowed land use in the commercial districts of Telegraph (C-T and C-C), West Berkeley (C-W), University (C-U), and Downtown Berkeley (C-DMU) with a Zoning Certificate, subject to performance standards. a. Performance standards should regulate and mitigate potential impacts on quality of life, public health, and environmental health, such as noise, odors, fumes, vibrations, dust, light pollution, hours of operation, and disposal and storage protocols for flammable, combustible, chemical, and hazardous substances. 2. Updating the "District Purpose" sections of the MM and MU-LI districts to specifically embrace R&D. Consider doing the same for other districts where R&D is allowed, if deemed appropriate. 3. Amending R&D parking requirements in M-prefixed districts to align with Laboratory parking requirements and in C-prefixed districts, excluding C-T, to align with Manufacturing parking requirements. 4. Reviewing Berkeley Municipal Code 23.206.080 to ensure that language regulating Biosafety Level (BSL) Classes 1-4 is clear and consistent with regulations in neighboring jurisdictions and other cities that support a broad range of R&D. Consider repealing the section or amending it to permit BSL-2 in all districts where research and development facilities or laboratories are permitted. 5. Returning to Council with additional recommendations, if any, that would serve to encourage R&D in Berkeley, as determined by staff or that present themselves through the Planning Commission process.

*Policy Committee Recommendation: Approve the item with a positive recommendation.*

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Approved recommendation as recommended by the Land Use, Housing, & Economic Development Committee, and accepted the supplemental material in Supplemental Communications Packet #1 from Councilmember Robinson.

## Action Calendar

31. **Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Center for Independent Living's 50th Anniversary**  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Robinson and Councilmember Bartlett, to the Center for Independent Living to fund a Berkeley mural project, street festival, CIL open house, three-day conference on independent living, and other activities for their 50th Anniversary.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$500  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 70,523–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Hahn - \$250; Councilmember Droste - \$100; Councilmember Harrison - \$250; Councilmember Kesarwani - \$100; Councilmember Taplin - \$100.

## Action Calendar – Old Business

32. **Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers** *(Continued from July 26, 2022. Item contains revised and supplemental materials)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted 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. Adopted Resolution No. 70,524–N.S. including the revised material in Supplemental Communications Packet #1 from Councilmember Harrison revising Surveillance Use Policy 1302 for Automated License Plate Readers, which was further revised to incorporate the recommendation in Supplemental Communications Packet #2 from the Police Department pertaining to Policy Section 1302.9(b), and adding that approval to query the data must be granted by the Chief of Police or the Acting Chief of Police (striking the language “or his or her designee”).

## Action Calendar – New Business

**33. An Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance 7643-NS.**

**From: City Manager**

**Recommendation:** Adopt first reading of an ordinance repealing Chapter 12.76 of the Berkeley Municipal Code and repealing Ordinance 7643-NS.

**Financial Implications:** None

Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000, Paul Buddenhagen, City Manager's Office, (510) 981-7000

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,833–N.S. Second reading scheduled for September 29, 2022.

## Council Action Items

**34. Equitable Safe Streets and Climate Justice Resolution** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: Councilmember Taplin (Author)**

**Recommendation:** Adopt a resolution committing the expenditure of City and state/federal matching/recurring funds on city-maintained roads, sidewalks, and bike lanes to accelerate safety improvements in a manner consistent with City, State, and Federal policy on street safety, equity, accessibility, and climate change; refer to the City Manager fully integrate Complete Streets design as defined by the NACTO Urban Street Design Guide in the default engineering standard for city streets; restrict city use of the Manual on Uniform Traffic Control Devices (MUTCD) to only documented cases that require its use for compliance with Federal/State regulations; in all other cases, restrict use of the MUTCD to “engineering judgment.”

*Policy Committee Recommendation: Send the item to Council with a positive recommendation.*

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Councilmembers Robinson and Bartlett added as co-sponsors. Adopted Resolution No. 70,525–N.S. as revised in the Supplemental Communications Packet #3 from Councilmember Taplin to clarify the intent and impact of the policy on residential street paving and street trees.

## Council Action Items

35. **Efficiency Unit Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

**From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor)**

**Recommendation:** Refer to the City Manager and Planning Commission to adopt objective standards for Efficiency Units pursuant to California Housing and Safety Code § 17958.1, developing an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.

*Policy Committee Recommendation: Approve the item with a positive recommendation.*

**Financial Implications:** Staff time

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

**Action:** Moved to Consent Calendar. Approved the recommendation as revised in the Supplemental Communications Packet #3 from Councilmember Taplin to read as follows: *Refer to the City Manager and Planning Commission to study and, if recommended, propose standards for Efficiency Units pursuant to California Housing and Safety Code Section 17958.1. Consider appropriate standards for unit size and facilities including bathrooms as well as for shared indoor and outdoor spaces and facilities within buildings with such units. Shared space requirements may include requirements for "full kitchen" facilities, dining and/or meeting rooms, indoor lounge/study areas, outdoor/roof space, bike/scooter and stroller parking, gym/workout/play spaces, storage, and other shared and accessible facilities to support healthy and social lives, and accommodate important activities and uses that are externalized from Efficiency Units. Consider zones where Efficiency Units may be appropriate, affordability requirements, phasing, and any other standards and zoning related to such units. Based on study and consideration of financial feasibility, develop recommendations and/or an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.*

## Information Reports

36. **City Council Short Term Referral Process – Quarterly Update**

**From: City Manager**

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

**Action:** Received and filed.

37. **Federal Economic Relief Spending in Berkeley**

**From: City Manager**

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

**Action:** Received and filed.

## Information Reports

**38. Sanctuary City Contracting Compliance Report for FY 2022**

**From: City Manager**

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

**Action:** Received and filed.

**39. Environment and Climate Commission 2022 Work Plan**

**From: Environment and Climate Commission**

Contact: Billi Romain, Commission Secretary, (510) 981-7400

**Action:** Received and filed.

**40. Planning Commission Fiscal Year 2022-23 Work Plan**

**From: Planning Commission**

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda - 1 speaker.

Councilmember Droste absent 7:50 p.m. – 7:53 p.m.

## Adjournment

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

**Vote:**

Adjourned at 7:53 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of September 13, 2022 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

## Communications

### Vision 2050

1. Ben Gerhardstein, on behalf of Walk Bike Berkeley, North Berkeley Now, Bike East Bay and BNHCA.

### Berkeley Marina Area Specific Plan (BMASP)/Cesar Chavez Park

2. Emily Galpern
3. Masha Gutkin
4. Sandy Emerson
5. Daniel Larlham
6. Luke Bailey
7. Garril Page
8. Sandra Blair

9. Kathleen McLaughlin
10. David Mandel
11. Roberta Wyn
12. Meryl Siegal
13. Tro Vatro
14. Wini Williams
15. Miranda Morris
16. Shoshana Uribe (2)
17. Linda Karr
18. Morissa Zuckerman
19. Cynthia Gould
20. Judy Grether
21. Charlene Woodcock
22. Nicole Bloom
23. Kerna Trottier
24. Tamara Birdsall
25. Katya Gerwein
26. Remi Omodele
27. Mary Behm-Steinberg
28. Wanda Warkentin
29. Elsa Tranter
30. Gail Mandella
31. Majid Ghajeh
32. Bill Reynolds
33. Dorothea Dorenz
34. Ingrid Crickmore
35. Stacey Singleton
36. Yvette Bozzini
37. Barbara Haber
38. Ryan Hart
39. Garril Page
40. Doug Dohrer
41. Barbara Li Santi
42. Susan Griffin
43. Irene Jung-Huang
44. Nancy Newman
45. Elizabeth Rood
46. Ric Keeley
47. Steve Tracy
48. Ken and Silvana Blum
49. Nancy Hormachea
50. Gail Harrison
51. Judy Ballinger
52. Deborah Scott
53. Eric Naiman
54. Gina Hassan



55. David Wallin
56. Sally Nelson
57. Laurie Lenrow
58. Summer Brenner
59. Erica Roberts
60. Sarah Elzea
61. Ernest Isaacs
62. Bob Schildgen
63. Tamar Oppenheimer
64. Chloe Chaundhry
65. Gillian Heather Geller
66. Francie Shaw
67. Lesli Salzinger
68. Susan Gluss
69. Jack Kurzweil
70. Suzanne Pegas
71. Peter Gleick
72. Herb Schwartz
73. Tobey Wiebe
74. Jean Tepperman
75. Bruce Bagnell
76. Tracey Cosgrove
77. Hannah Meara
78. Margot Smith
79. Kathleen Evans
80. Leslie Sakai
81. Stefani Berger
82. Gael Alcock
83. Wini Williams
84. Shantee Baker
85. Sarah Daniels
86. Melissa Hayes
87. Anne Rowe
88. Nicole S.
89. Shahryar Muzaffar
90. Joan Wheeler
91. Leigh Lightfoot
92. Alex Nguyen
93. Daniel Larlham
94. Kat Schaaf
95. Kelly Hammargren
96. Maureen Fitzgerald
97. Esther Brass
98. Alexandre Chorin
99. Meryl Siegal
100. Maureen Daggett

101. Robert Bloomberg (2)
102. Katharine Carrillo
103. Ilse Eden
104. Dan Slobin
105. Arthur Braufman
106. Mimi Mougovan
107. Feleciana Feller
108. Ken Krich
109. John Porter
110. Jonathan Newman
111. James McGrath
112. Sarah Van Cleave
113. Leah Shelleda
114. Collette Tureene
115. Maxina Ventura
116. Shoshana Dembitz
117. Martin Nicolaus (Book – Love Letters to the Park)
118. Janine Brown
119. Sally Francis
120. Alan McCornick
121. Kit Robinson
122. Riley Taylor
123. Randy Marks
124. Susan Oppie
125. 6 similarly-worded form letter (I greatly appreciate)
126. 28 similarly-worded form letters ((I am one of the rapidly)

**Fishing at the Berkeley Waterfront: What is it Worth? – A Draft Summary Report**

127. San Francisco State University

**IKE Kiosks**

128. Dahlia Armon
129. Todd Andrew (2)
130. Jane Tierney
131. Linda Press Wulf
132. Soula Culver
133. Annie Barrows
134. Margit Roos-Collins
135. Wini Willaims
136. Stephanie Thomas
137. Clay Collett
138. Maxina Ventura
139. Bruce Brody and Lin Druschel
140. Morgan Read
141. Margot Smith
142. Susan Boat

143. Kieron Slaughter (2)
144. Luma Corte, on behalf of Fourth Street Merchants
145. Patricia Zambryski
146. Janice Murota (2)
147. Constance Anderson
148. Zipporah Collins
149. Joseph Klems
150. David Bullitt, on behalf of Heroic Italian Restaurant
151. Karen Rusiniak
152. David Ndeto, on behalf of TCHO Chocolate
153. Jack Lavac, on behalf of Visit Berkeley & Berkeley Film Office
154. Donald Rothberg
155. James Lerager

**Temporary Suspension of the Use of Tear Gas, Smoke and Pepper Spray,  
Associated with the Protest at People's Park**

156. Jack Kurzweil
157. Eric Friedman
158. Ron Jacobs
159. Metzli Hamelius
160. Lily Colby
161. Gerard Jamin
162. Hali Hammer
163. Terri Compost
164. Carol Denney
165. Summer Brenner
166. Sarah Cadorette
167. Tobey Wiebe
168. Russell Lee
169. Thomas Luce
170. Zepatitis B
171. Yadi
172. Maryann O'Sullivan
173. Gabe Gartland
174. Nathan Sweet
175. Juliet Lee
176. Emilio Fentanes
177. Sheila Goldmacher
178. John Selawsky
179. Anne-Lise Francois
180. Phoebe Anne Sorgen
181. Alissa Weber
182. Jan Ruchlis
183. Sara Antunovich
184. Melanie Lawrence
185. Councilmember Harrison (2)

186. Martina Reaves
187. Anna Tseselsky
188. Alan Haber
189. Toby Blome
190. Maxina Ventura
191. Tom Pache
192. Wendy Alfsen
193. Margaret Pritt
194. Adele and David Crady
195. Vicki Young
196. Glenda Pawsey
197. Ken Kratz
198. Anya Worley-Ziegmann
199. Sharon Gillars
200. K.B. Townsend
201. Amy Eden
202. Robert Feuer
203. Rachel Jamison
204. Sarena Kuhn
205. Karly Stark
206. AJ Schaerer
207. Ashe DeLong
208. Justin Lee
209. Sydney Selix
210. 29 similarly-worded form letters (Hello, my name is)

**Save People's Park**

211. Diana Bohn
212. James Mattson
213. Chrissy Hoffman
214. Derek Gaither
215. Lavell Young (2)
216. Paul Lee
217. Blair Beekman
218. Keith Nickolaus
219. Patricia Maud Engel
220. Bryan Graham
221. Ken Kratz
222. Terri Compost

**Wildfire Safety**

223. David Schindler
224. Henry DeNero, on behalf of the Hillside Association of Berkeley and it's Hillside Fire Safety Group (2)
225. Bruce Brody
226. Suzi Peterson and Alan Sher

- 227. David Sprague
- 228. Sondra Schlesinger

**Park Usage Fees - Kite Festival, S.F. Mime Troupe, et al**

- 229. Eric Friedman
- 230. Judith Thomas
- 231. Sally Nelson
- 232. Gael Alcock
- 233. Esfandiar Imani
- 234. Summer Brenner
- 235. Jill Schalet
- 236. Louise Kimball
- 237. Susan Ashworth
- 238. Barbara Ancher
- 239. Rafael Gonzalez
- 240. Wini Williams

**Youth Commission**

- 241. Cecilia Lunaparra
- 242. 21 similarly-worded form letters

**Warrantless Searches/BPD Policy 311**

- 243. Jennifer Wilks
- 244. Alexandra Mitnick
- 245. T.C Shu
- 246. Li Shu
- 247. David T.
- 248. Gary Amado
- 249. Billy McDonald
- 250. Iris Hagen Ratowsky
- 251. Thomas Luce
- 252. Summi Kaipa
- 253. Betty Kano

**Shellmound**

- 254. Stephanie Manning
- 255. Richard Schwartz (2)
- 256. Peter Walker
- 257. David Lutes
- 258. California Norma
- 259. Linda Newton
- 260. Elana Auerbach
- 261. John Curl
- 262. Jyl Lutes
- 263. Christy Fischer, on behalf of Trust for Public Land
- 264. Sylvie Woog

**Hopkins Corridor**

- 265. George Porter, on behalf of Commission on Aging
- 266. Bob Flasher (2)

**E-Bikes**

- 267. Fredda Cassidy
- 268. Jeff Hoover
- 269. Julie Elis
- 270. Robert Byler

**Housing Element**

- 271. Kendra Ma, on behalf of TranForm
- 272. Ellen Lake, on behalf of the Kala Art Institute
- 273. Harvey McKeon
- 274. North Berkeley Now Housing and Climate Action
- 275. Sophia DeWitt, on behalf of East Bay Housing Organization

**Junior Jackets Sports Team Asked To Leave San Pablo Park**

- 276. Moni Law (2)
- 277. Angela Jernigan
- 278. Sheila Jordan
- 279. Jr Jackets

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

- 280. 12 similarly-worded form letters

**Pedestrian Safety**

- 281. Wende Micco
- 282. Roger Hallsten
- 283. Rachel Bradley
- 284. Robin Kirby

**Bio Lab/Bayer**

- 285. Berkeley Neighborhood Council
- 286. Dana Perls, on behalf of Friends of the Earth

**COVID-19, Monkeypox, Vaccinations and Masks**

- 287. Marilyn Kaplan (2)
- 288. Anne McClintock

**Harriet Tubman Terrace**

- 289. Libby Lee-Egan and Mari Mendonca

**Joining the Department of Housing and Community Development (HCD) Lawsuit**

- 290. Susan Candell

**Crime**

- 291. Katya Stoakes
- 292. Alex Merenkov
- 293. Isobel Dozier

**Shattuck Cinemas**

- 294. Charlene Woodcock

**BART Development**

- 295. Jean Peters
- 296. Malea Raffetseder

**Toxic Pesticides**

- 297. Maya Cohen

**SB 9**

- 298. Dorothy Berndt

**Golden Duplex**

- 299. Henry Caro

**Unresolved City Matter – Closing Business License**

- 300. Bill Creasi

**CalPERS Bills Going Up**

- 301. Eric Lerman

**Union Pacific Railroad**

- 302. Robert Kroll

**Rat Birth Control**

- 303. Andie Grace
- 304. Tony Benado

**Telegraph Avenue is an Eyesore**

- 305. Joann Philbin

**Property Tax Exemption for Nonprofits**

- 306. Barbara Gilbert

**Toxic Waste Disposal**

- 307. David Lerman

**1598 University Avenue Planned 8-Story Building**

- 308. Bill Kristy

**Homelessness**

309. Mike Palmer

**Bond Measure L**

310. Geoff Lomaz (3)

311. Henry Oyekanmi

**West Berkeley Budget Priorities**

312. 4 similarly-worded form letters

**Rent Control**

313. Bryce Nesbitt

**Affordable Housing**

314. Ann Campbell

**EDI to Phase Out Bowel and Bladder Care**

315. Tamar Michai Freeman

**City of Berkeley Corruption**

316. Walter Wood

**Teaching BUSD Kids To Swim**

317. David Lerman

**Recruit Solano Avenue BID Advisory Board Members**

318. Todd Andrew

**Incessant Dog Barking**

319. Norma J F Harrison

**Misuse of jessearreguin.com Website**

320. David Lerman

**Underground Wiring on Eton Avenue**

321. Fredora H. Darmstadt

**Restoring Bus Service**

322. Marilyn Sagna

323. Ika Simpson

**5G Cell Towers**

324. Omowale Fowles

**Natural Gas Ban in Berkeley**

325. Stella Kim



**No Whites Allowed – POC House**

326. Janice Barton

**Public Financing**

327. Omowale Fowles

328. Catherin Huchting

**Measure P**

329. Joel Libove

**Covid Eviction Moratorium**

330. Daniel Lorence

**Things I Miss About Berkeley**

331. M.E. Lawrence

**Car-Free Berkeley**

332. Ken Stein

**University Campus Police Department**

333. Carol Denney

**Electric Vehicle Charging Stations Infrastructure**

334. David Lerman

**Genetically Modified Mosquitoes**

335. David Luz

**Supplemental Communications and Reports 1**

**Item #30: Referral: Keep Innovation in Berkeley**

336. Supplemental material, submitted by Councilmember Robinson

**Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers**

337. Revised material, submitted by Councilmember Harrison

**Item #34: Equitable Safe Streets and Climate Justice Resolution**

338. Janet Byron, on behalf of the Berkeley Path Wanderers Association

**Supplemental Communications and Reports 2**

**Item #26: Ordinance Amendment: Correction to the COVID-19 Emergency Response**

339. May Kandarian

**Item #30: Referral: Keep Innovation in Berkeley**

- 340. Wesley Jackson, on behalf of Valitor
- 341. David Schaffer and Gino Segre, on behalf of Bakar Labs
- 342. Alice Agogino, on behalf of Squishy Robotics

**Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers**

- 343. Diana Bohn
- 344. Supplemental material, submitted by the Police Department

**Item 33: An Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance 7643-N.S.**

- 345. Jan Ruchlis
- 346. Diana Bohn
- 347. Elana Auerbach

**Item #34: Equitable Safe Streets and Climate Justice Resolution**

- 348. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 349. Dave Campbell, on behalf of Bike East Bay
- 350. Zach Franklin and Sofia Zander
- 351. Tim Ereneta
- 352. Pablo Diza-Gutierrez
- 353. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats

**Item #35: Efficiency Unit Ordinance**

- 354. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats

**Item 38: Sanctuary City Contracting Compliance Report for FY 2022**

- 355. Elana Auerbach

**Supplemental Communications and Reports 3**

**Item #8: Request for Proposal for Project Homekey**

- 356. Ali Kashani, on behalf of MPI Homes

**Item #21: 2022 Vision Zero Program Grant Applications**

- 357. Revised material, submitted by Public Works

**Item #26: Ordinance Amendment: Correction to the COVID-19 Emergency Response**

- 358. Igor Tregub

**Item #32: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers**

- 359. Sher Singh

**Item #34: Equitable Safe Streets and Climate Justice Resolution**

- 360. Supplemental material, submitted by Councilmember Taplin
- 361. Stephen Dalton
- 362. Nick Swanson-Hysell
- 363. Ned Resnikoff
- 364. Travis Close
- 365. Paul Rauber

- 366. Mike Wilson
- 367. Marc Hedlund
- 368. Annie Mohler
- 369. Dan Leaverton
- 370. Heather Ball
- 371. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 372. David Mendelsohn
- 373. Barry Cynamon

**Item #35: Efficiency Unit Ordinance**

- 374. Supplemental material, submitted by Councilmember Taplin

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**TUESDAY, SEPTEMBER 19, 2022**

**4:30 P.M.**

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.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 841 0349 0296. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:31 p.m.

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

**Absent:** Taplin

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	3100 Adeline Street, Berkeley, California
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; LaTanya Bellow, Jordan Klein, Director of Planning and Development
Negotiating parties:	City of Berkeley & Bay Area Rapid Transit District
Property owner:	Bay Area Rapid Transit District
Under negotiation:	Price and terms for air rights

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Closed pursuant to Government Code Section 54956.9(d)(1)

1. People v. Leonard Felton Powell, Alameda County Superior Court Case No. RG15762567

**Action:** M/S/C (Arreguin/Harrison) to approve a settlement of the matter of *People v. Leonard Felton Powell* (Alameda County Superior Court Case No. RG15762567) for \$95,000 and a full release of claims. The City has also agreed to a common-sense improvement to its communication with property owners in the event that the City Council approves a petition for receivership in the future, namely that the City will compile a list of free or low-cost legal providers. In addition, the City Council will consider adopting a policy requiring notice during code enforcement proceedings regarding the receivership process. It is also important to note that as of June 11, 2019, it is the policy of the City that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council. This settlement puts an end to protracted litigation, and Mr. Powell agrees that the City did not act beyond the scope of the Court's orders or engage in misconduct or mismanagement of the Receivership Estate, and further agrees that this is an amicable resolution of his claims against the City.

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

## **OPEN SESSION:**

On September 19, 2022, the City Council met in closed session and approved a settlement of the matter of People v. Leonard Felton Powell (Alameda County Superior Court Case No. RG15762567) for \$95,000 and a full release of claims. The City has also agreed to a common-sense improvement to its communication with property owners in the event that the City Council approves a petition for receivership in the future, namely that the City will compile a list of free or low-cost legal providers. In addition, the City Council will consider adopting a policy requiring notice during code enforcement proceedings regarding the receivership process. It is also important to note that as of June 11, 2019, it is the policy of the City that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council. This settlement puts an end to protracted litigation, and Mr. Powell agrees that the City did not act beyond the scope of the Court's orders or engage in misconduct or mismanagement of the Receivership Estate, and further agrees that this is an amicable resolution of his claims against the City.

## **Adjournment**

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

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

Adjourned at 6:43 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of September 19, 2022.

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Gabriel Rodriguez, Assistant City Clerk

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**TUESDAY, SEPTEMBER 20, 2022**

**10:00 A.M.**

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.*

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*To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)**; enter Meeting ID: **853 0536 4447**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 10:06 a.m.

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

**Absent:** Bartlett, Wengraf, Droste

Councilmember Bartlett present at 10:14 a.m.

Councilmember Droste present at 10:15 a.m.

**Public Comment - Limited to items on this agenda only – 2 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Police Accountability

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 3:23 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 20, 2022.

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Mark Numainville, City Clerk



**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, September 20, 2022  
4:00 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**

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*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:** 4:04 p.m.

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

**Absent:** Bartlett, Wengraf

Councilmember Bartlett present at 4:17 p.m.

Councilmember Wengraf present at 4:29 p.m.

## Worksession

1. **Residential Objective Standards: Middle Housing and Southside  
From: City Manager**

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

**Action:** 16 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:13 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on September 20, 2022.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

### Item #1: Residential Objective Standards: Middle Housing and Southside

1. Presentation, submitted by Planning and Development
2. Oren Cheyette
3. Seth Seidel
4. Daniel Parolek
5. Travis Close
6. Teresa Clarke
7. Cecilia Lunaparra
8. Eric Colby
9. 40 similarly-worded form letters

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 20, 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

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## Preliminary Matters

**Roll Call:** 6:27 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 6:59 p.m.

### Ceremonial Matters:

1. Recognition of September as National Service Dog Month
2. Recognition of the 10<sup>th</sup> Anniversary of the Berkeley South Asian Radical History Walking Tour

**City Manager Comments:** None

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

### Report from Closed Session

On September 19, 2022, the City Council met in closed session and approved a settlement of the matter of People v. Leonard Felton Powell (Alameda County Superior Court Case No. RG15762567) for \$95,000 and a full release of claims. The City has also agreed to a common-sense improvement to its communication with property owners in the event that the City Council approves a petition for receivership in the future, namely that the City will compile a list of free or low-cost legal providers. In addition, the City Council will consider adopting a policy requiring notice during code enforcement proceedings regarding the receivership process. It is also important to note that as of June 11, 2019, it is the policy of the City that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council. This settlement puts an end to protracted litigation, and Mr. Powell agrees that the City did not act beyond the scope of the Court's orders or engage in misconduct or mismanagement of the Receivership estate, and further agrees that this is an amicable resolution of his claims against the City.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

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

**From: City Manager**

**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,526–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, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, and August 23, 2022.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,527–N.S.

**3. Establish 2023 City Council Meeting Schedule**

**From: City Manager**

**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2023, with starting times of 6:00 p.m.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,528–N.S.

## Consent Calendar

- 4. 2023 Tax Rate: Transportation Network Company User Tax**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the 2023 tax rate (effective January 1, 2023) for the transportation network company at the following rates: 53.775 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 26.249 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopt first reading of Ordinance No. 7,834–N.S. Second reading scheduled for October 11, 2022.
- 5. Contract No. 084349-1 Amendment: AMCS Group Inc. for Zero Waste PC Scale Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 084349-1 with AMCS Group, Inc. to provide additional maintenance support and professional services for the Public Works Department's Zero Waste Scale House in an amount \$45,000 for a total contract amount not to exceed \$261,282 and extending the term from July 1, 2022 through June 31, 2025.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,529–N.S.
- 6. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$250,000 through December 31, 2023.  
**Financial Implications:** Total FY 2023 Professional Services - \$250,000  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,530–N.S.

## Consent Calendar

7. **Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$195,000, for a total not-to-exceed amount of \$1,047,200 and extending the term by two years for the term beginning June 1, 2015 to June 30, 2024.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,531–N.S.
8. **Contract: SCS Engineers for Landfill Post Closure Maintenance and Monitoring Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with SCS Engineers, in an amount not to exceed \$714,022, to provide engineering, maintenance, and monitoring services for the landfill to meet mandatory compliance requirements at Cesar Chavez Park, from January 1, 2023, to June 30, 2026.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,532–N.S.
9. **Contracts: Davey Resource Group, Inc., and HortScience Bartlett Consulting for On-Call Arborist Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call arborist services for capital improvement projects, each for a period of November 1, 2022, through December 31, 2025:  
1. Davey Resource Group, Inc. for an amount not to exceed \$125,000.  
2. HortScience Bartlett Consulting for an amount not to exceed \$125,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,533–N.S. (Davey); and Resolution No. 70,534–N.S. (HortScience).



## Consent Calendar

10. **Contracts: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc., HDR Engineering, Inc., LCC Engineering & Surveying, Inc., Mark Thomas & Company, Inc., Park Engineering, Inc., Pavement Engineering Inc., and SCI Consulting Group.**

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call civil engineering services for capital improvement projects, each for a period of November 1, 2022 through December 31, 2025:

1. CSW Stuber-Stroeh Engineering Group, Inc. for an amount not to exceed \$750,000.
2. HDR Engineering, Inc. for an amount not to exceed \$750,000.
3. LCC Engineering & Surveying, Inc. for an amount not to exceed \$1,500,000.
4. Mark Thomas & Company, Inc. for an amount not to exceed \$750,000.
5. Park Engineering, Inc. for an amount not to exceed \$1,500,000.
6. Pavement Engineering Inc. for an amount not to exceed \$1,500,000.
7. SCI Consulting Group for an amount not to exceed \$150,000.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 70,535–N.S. (CSW Stuber-Stroeh); Resolution No. 70,536–N.S. (HDR Engineering); Resolution No. 70,537–N.S. (LCC Engineering); Resolution No. 70,538–N.S. (Mark Thomas); Resolution No. 70,539–N.S. (Park Engineering); Resolution No. 70,540–N.S. (Pavement Engineering); and Resolution No. 70,541–N.S. (SCI Consulting).

11. **Contract No. 10350 (112199-1) Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the contract term to June 30, 2024 and increasing the amount by \$100,000 for a total contract amount not to exceed \$250,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,542–N.S.

## Consent Calendar

12. **Contract No. 31900085 Amendment: Syntech Systems, Inc. for a Fuel Management System and Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900085 with Syntech Systems, Inc. to provide ongoing service and support of infrastructure and software for the City's Fleet Fueling Program, increasing the contract amount by \$45,000 for a new not to exceed amount of \$231,472 and extending the contract term through June 30, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,543–N.S.
13. **Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building; 3. 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 terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$177,218.68, which includes a contingency of \$23,115.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,544–N.S.

## Council Consent Items

14. **Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Referral**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the City Attorney and City Manager to draft a HARD HATS Ordinance based on the policy terms outlined below and bring the Ordinance back to Council for action on December 13, 2022.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.

## Action Calendar – Public Hearings

**15. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

- BMC Section 23.204.050 (C-C Zoning District)
- BMC Section 23.204.080 (C-E Zoning District)
- BMC Section 23.204.090 (C-NS Zoning District)
- BMC Section 23.204.130 (C-DMU District)
- BMC Section 23.206.050 (Protected Uses)
- BMC Section 23.304.030 (Setbacks)
- BMC Section 23.304.090 (Usable Open Space)
- BMC Section 23.322.030 (Required Parking Spaces)
- BMC Section 23.406.070 (Design Review)

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,835–N.S. Second reading scheduled for October 11, 2022.

**Vote:** All Ayes.

## Action Calendar – Old Business

**16. Restoring and Improving Access to City of Berkeley Website and Archival Materials** *(Continued from July 26, 2022) (Item contains revised materials)*  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:**

1. Accept the report outlining results from consultation with the City Manager after introduction of this item and thank City Staff for their consideration.
2. As a means to support transparency and improve ease of access to historical/archival government records for policymakers, the press, and the general public, request that the City Manager continue developing and implementing measures that support efficient and effective searching, sorting, and identification of responsive materials through Records Online.
3. To support transparency and ease of access to government records, consider creating and disseminating a “style guide” with standards/conventions/protocols for accurately referencing and attaching City materials so they can be properly linked to or easily accessed in Records Online (or a successor/alternative program/database), allowing such materials to be referenced consistently by Councilmembers, Staff, members of the press, and other authors.

## Action Calendar – Old Business

4. Refer to the November 2022 Budget Update up to \$50,000 for staff support for Council/Mayor offices to locate documents previously accessed via now-expired links, and request that the City Manager consult Councilmembers and the Mayor to offer the scope of assistance available and identify potential needs.

5. As a means to support transparency and restore ease of access to City materials referenced/attached via now-broken links in City reports, plans, items, and other documents created prior to launch of the new City website, request that the City Manager consider updating key plans, programs and reports by creating and linking PDFs of previously linked documents and/or substituting broken links with footnotes/references in a standard format allowing referenced and attached materials to be quickly/directly located through Records Online (or a successor/alternative program/database).

6. To better fulfill the requirements of the City of Berkeley's Open Government Ordinance, request the City Manager retain materials such as Council, Committee, and Commission agendas, minutes, recordings, and other official documents on the website for a period at least 4 years, and preferably longer, before retiring them to Records Online.

**Financial Implications:** Staff time

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

**Action:** Moved to Consent Calendar. Approved recommendation.

## Action Calendar – New Business

**17. Extending Community Agency Contracts for One Year at Existing Levels and Postponing the Community Agency Request for Proposal (RFP) Process Until Fiscal Year 2024**

**From: City Manager**

**Recommendation:** Adopt a Resolution that extends all existing community agency contracts under the community agency Request for Proposal (RFP) process for one year, at current baseline one-year funding, and postpone the four-year Community Agency's RFP process for one fiscal year, to FY2024, with new contracts to start in FY2025.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 70,545–N.S.

**18. Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**

**From: City Manager**

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Moved to Consent Calendar. Received and filed.

## Information Reports

### 19. Update on the Implementation of Fair and Impartial Policing Task Force Recommendations

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment

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

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin;

Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent 8:07 p.m. – 8:08 p.m.

Adjourned at 8:08 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on September 20, 2022.

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Mark Numainville, City Clerk

## Communications

### Transfer Station

1. David Lerman

### IKE Kiosks

2. Cecilia Mayer
3. Allen Mayer
4. Cynthia Whiting
5. Jinny Wong

### King and West Campus Pool

6. Pamela Michaud (2)

### People's Park

7. Martha Vognar
8. Miranda Winther

**Wildfire Prevention**

9. Bruce Feingold

**Poet Laureate Position**

10. Rafael Jesus Gonzalez

11. Sharon Coleman

**Problem Fraternity House at 2344 Fulton Street**

12. Dan Auten

**72-Hour Parking Rule Complaint**

13. Kris Ho

**Heat Wave and Seniors**

14. David Lerman (2)

15. Tanya Bustamante, Manager of Aging Services Division

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

- None

**Supplemental Communications and Reports 3**

**Item #3: Establish 2023 City Council Meeting Schedule**

16. Barbara Gilbert

**Item #14: Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Referral**

17. Igor Tregub, on behalf of the Alameda County Democratic Party

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**THURSDAY, SEPTEMBER 29, 2022**

**4:00 P.M.**

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.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87111562314>. 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)**; enter Meeting ID: **871 1156 2314**. 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).*

## Preliminary Matters

**Roll Call:** 4:04 p.m.

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

**Absent:** Kesarwani, Bartlett

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Police Accountability

**Action:** No reportable action taken.

b. **Title of position to be filled:** Director of Human Resources

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:49 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on September 29, 2022.

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Mark Numainville, City Clerk



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Thursday, September 29, 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**

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*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://us02web.zoom.us/j/89476550043> . 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: **894 7655 0043**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*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:** 6:07 p.m.

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

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 6:17 p.m.

**Ceremonial Matters:** None

### City Auditor Comments:

The City Auditor noted Item 9 regarding the new Audit Recommendation Dashboard and provided a demonstration of the Dashboard.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 3 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

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

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

- Lease Agreement: 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park with Waterside Workshops**  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,831-N.S. authorizing the City Manager to execute a lease agreement with Waterside Workshops to use the 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park for a lease term anticipated to begin November 1, 2022 and ending November 1, 2031.  
**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. 7,831–N.S.

## Consent Calendar

- 2. Ordinance Amendment: Correction to the COVID-19 Emergency Response Ordinance, BMC Chapter 13.110**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison**  
**Recommendation:** Adopt second reading of Ordinance No. 7,832-N.S. correcting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance, to clarify the effect of Ordinance No. 7,762-N.S. upon tenant protections that were inadvertently omitted during the last update of BMC Chapter 13.110.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,832–N.S.
- 3. Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance No. 7,643-N.S.**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,833-N.S. repealing Chapter 12.76 of the Berkeley Municipal Code and repealing Ordinance No. 7,643-NS.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000, Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,833–N.S.
- 4. Urgency Ordinance Extending the Lease for Real Property at 742 Grayson Street**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance to extend an existing lease for the real property located at 742 Grayson Street, Berkeley, CA for an additional month, through October 31, 2022.  
**Financial Implications:** Measure P Funds - \$26,379  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Urgency Ordinance No. 7,836–N.S. revised to extend the lease term to December 31, 2022.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 29, 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 - \$15,891,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

**6. Contract - Gaumard Scientific Company, Inc. for High Fidelity Training Equipment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Gaumard Scientific Company, Inc., using the General Services Agency's (GSA) Contract No. 47QSEA21D002V, for high fidelity training equipment in an amount not to exceed \$375,000 through June 30, 2024.

**Financial Implications:** Measure FF - \$375,000

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

**Action:** Adopted Resolution No. 70.546–N.S.

## Action Calendar – Public Hearings

### 7. ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0070 to construct a six-story, mixed-use building on a vacant lot, with 66 units (including five Very-Low-Income units), 1,680 square feet of commercial space, 2,514 square feet of usable open space, and 17 to 28 ground-level parking spaces, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 28 speakers. M/S/C (Arreguin/Harrison) to close the public hearing.

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

Councilmember Droste absent at 8:01 p.m.

**Action:** M/S/C (Kesarwani/Arreguin) to adopt Resolution No. 70,547-N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0070 to construct a six-story, mixed-use building on a vacant lot, with 66 units (including five Very-Low-Income units), 1,680 square feet of commercial space, 2,514 square feet of usable open space, and 17 to 28 ground-level parking spaces, and dismiss the appeal with modifications to the conditions of approval noted below.

12. Screening Trees. The Project Proponent shall consult with the project landscape architect for species recommendations for planting in the 5-foot-wide landscape strip on the eastern property line that closely achieves this objective: a row of large screening trees (24" box minimum up to 36") that have an initial height of 10' and full height of 25-30 feet height minimum. The project Landscape Plan shall include the proposed plantings to be reviewed by Land Use staff.
28. Traffic Study. The Project Proponent shall retain the project traffic consultant to perform an analysis of the remaining eight traffic signal warrants at San Pablo and Harrison Avenues for consideration of a traffic signal for the intersection. The traffic study shall include an analysis of Level of Service (LOS) at this intersection for consideration of a left turn prohibition at the intersection. The traffic study shall be submitted to the Transportation Division for review and approval. Recommendations of the study shall be factored into the City's long-term Capital Improvement Plan.
29. Parking Garage Exit. The Project Proponent shall submit plans showing the installation of a "Left Turn Only" sign and left turn pavement markings at the parking garage exit, to facilitate left turns only onto Harrison Street. The Project Proponent shall also consider modifying the driveway to angle toward the left to facilitate left turns. Sound level specifications for a pedestrian alert system at the garage exit shall be submitted for review and approval by the Land Use staff, with the intent to minimize impacts to the neighborhood.

## Action Calendar – Public Hearings

30. The Project Proponent shall contact Caltrans to pursue whether an encroachment permit could be approved for relocating the parking garage driveway to the San Pablo frontage. If such a permit is permissible, including necessary design and safety analysis, then the Project Proponent shall redesign the project to accommodate the relocated driveway, pursue the encroachment permit from Caltrans, and submit a revised building floor plan and elevation to the City during the Building Permit review process. If this encroachment permit is deemed not feasible, then Condition #29 applies.

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

Recess 9:14 p.m. – 9:29 p.m.

## Information Reports

8. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Moved to Action Calendar. 1 speaker. Discussion held.
9. **New Audit Recommendation Dashboard**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed.

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

## Adjournment

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

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

Adjourned at 9:51 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on September 29, 2022.

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Mark Numainville, City Clerk

## Communications

### **Item #4: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

1. Dan Hayes
2. Margaret Pritt (5)
3. Yvette Bozzini
4. Melissa and Carlos Blanco
5. Jean Molesky-Poz (2)
6. Eric Danysh
7. Matt Culliname
8. Diana Wood

### **Missed Refuse Pickup**

9. Barbara Gilbert

### **Parking Tickets**

10. Michael Wright
11. Tony Benado

### **Tree Problem at Indian Rock Park**

12. Richard Beahrs
13. Tony Benado

### **Police Accountability Board and Office of the Director of Police Accountability Year-End Report**

14. Maritza Martinez, on behalf of the Office of the Director of Police Accountability

### **Toxic Pesticide Federal Bill**

15. Maya Cohen

### **Supportive Housing at 1367 University Avenue**

16. Homeless Services Panel of Experts

### **Opposition to Measure L**

17. Margots999@

### **Wildfire Prevention**

18. Bruce Feingold

## Supplemental Communications and Reports 1

### **Item #4: Urgency Ordinance Extending the Lease for Real Property at 742 Grayson Street**

19. Supplemental material, submitted by the City Manager's Office
20. Dorothea Dorenz

**Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

21. Karen Gosling
22. Doris Iaroli
23. Mary Wyand
24. Leslie Barbazette
25. Chandini Stanley
26. Deirdre O'Regan (2)
27. Brett D'Ambrosio
28. Margaret Pritt
29. Nguyen Tan
30. Susie Altman

**Supplemental Communications and Reports 2**

**Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

31. Colin Felton and Betty Yu
32. Steve Kosach
33. Courtney Welch, on behalf of the California Renters Legal Advocacy and Education Fund
34. Susan Cohen
35. Margaret Pritt (2)
36. Dan Hayes

**Supplemental Communications and Reports 3**

**Item #7: ZAB Appeal: 1201-1205 San Pablo Avenue, Use Permit #ZP2021-0070**

37. Presentation, submitted by Planning and Development
38. Reed Schwartz



**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, October 11, 2022  
4:00 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.*

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*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **881 1546 4108**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*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:** 4:04 p.m.

**Present:** Taplin, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Bartlett, Harrison

Councilmember Kesarwani present at 4:08 p.m.

Vice-Mayor Harrison present at 4:11 p.m.

Councilmember Bartlett present at 4:27 p.m.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 4 speakers.

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

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

## Consent Calendar

### 1. Appointment of Director of Police Accountability

**From:** City Manager

**Recommendation:** Adopt a Resolution confirming the appointment of Hansel Aguilar to be the Director of Police Accountability and approving an employment contract to be effective October 24, 2022 at an annual salary of \$200,000.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Adopted Resolution No. 70,548–N.S. with a revised resolved clause to read as below and to incorporate the contract by reference.

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council it hereby appoints Hansel Aguilar as the Director of Police Accountability effective October 24, 2022, on the terms and conditions set forth in the contract attached hereto as Exhibit A.*

### 2. Appointment of Director of Human Resources

**From:** City Manager

**Recommendation:** Adopt a Resolution confirming the appointment of Aram Kouyoumdjian as the Director of Human Resources to be effective November 7, 2022 at an annual salary of \$231,000.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Adopted Resolution No. 70,549–N.S.

## Consent Calendar

3. **Purchase Order – Golden State Fire Apparatus Inc., for a Kenworth 3,000 Gallon Tender for Emergency Water Supply**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Golden State Fire Apparatus Inc., piggybacking on Houston-Galveston Area Council (HCAG) contract No. FS12-19 for an amount not to exceed \$448,274 through December 31, 2022.  
**Financial Implications:** Measure Q Fund - \$448,274  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,550–N.S.

## Action Calendar

4. **Guidelines for Public Process, Expenditure and Oversight of \$650 Million Affordable Housing and Infrastructure Bond**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution establishing guidelines for the allocation of the proposed \$650 Million Affordable Housing and Infrastructure Bond, if adopted by the voters, including:  
1. Commitment to the expenditure of bond funds for affordable housing projects and specific infrastructure categories;  
2. The proposed public process to be implemented, including plans and policies to guide the development of project plans, public meetings and the role of advisory Commissions and staff level prioritization of initial project recommendations;  
3. Specific direction regarding required annual reporting, the role of the Bond Oversight Committee; and requirements for audits of bond expenditures.  
4. Recommended direction regarding independent construction management and oversight of bond-funded City capital projects.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** 14 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,551–N.S. as revised by Mayor Arreguin in Supplemental Communications Packet #2 and further revised under Reporting to change “January 1” to “January 31.”  
**Vote:** All Ayes.
5. **Measure O Bond Impacts on Affordable Housing Development in Berkeley**  
**From: City Manager**  
**Recommendation:** Review and discuss the presentation on Measure O Bond impacts on affordable housing development in Berkeley.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** 4 speakers. Presentation made and discussion held.  
**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:21 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on October 11, 2022.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### **Item #1: Appointment of Director of Police Accountability**

1. Supplemental material, submitted by the City Manager

### **Item #4. Guidelines for Public Process, Expenditure and Oversight of \$650 Million Affordable Housing and Infrastructure Bond**

2. Revised material, submitted by Mayor Arreguin
3. Steering Committee, Berkeleyans for Better Planning
4. Melanie Beasely, on behalf of the City Manager
5. Mark Lemkin
6. Howard Goldberg
7. Pamela Michaud
8. Ben Gerhardstein and Karen Parolek, on behalf of Walk Bike Berkeley
9. Camille Antinori

## Supplemental Communications and Reports 3

### **Item #4. Guidelines for Public Process, Expenditure and Oversight of \$650 Million Affordable Housing and Infrastructure Bond**

10. Moni Law

### **Item #5. Measure O Bond Impacts on Affordable Housing Development in Berkeley**

11. Presentation, submitted by Health, Housing and Community Services

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 11, 2022**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](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/88115464108>. 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: **881 1546 4108**. 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:** 6:33 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Presentation on Indigenous Peoples Day by Corrina Gould
2. Recognition of the 50<sup>th</sup> Anniversary of Center for Independent Living and the Disability Rights Movement
3. Adjourn in Memory of Jazy Soletto Garcia and Angel Soletto Garcia
4. Adjourn in Memory of Isamaeli Mataafa, Victim of Gun Violence
5. Adjourn in Memory of City of Berkeley Public Safety Dispatcher Sheryll Cofreros

### City Manager Comments:

1. Presentation on the City of Berkeley Employer of Choice Initiative

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to:

1) accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Resolution in Support of the Women Fighting for Freedom in Iran; and

2) accept an urgency item from Councilmember Droste pursuant to Government Code Section 54954.2(b)(2) entitled Adopt a Resolution in Support of the Women of Iran and Condemning the Iranian Government's Oppression of Women and Violent Suppression of Protests.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 16 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

**Urgency Item: Resolution in Support of the Women Fighting for Freedom in Iran**

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

**Recommendation:** Adopt a resolution in support of the women fighting for freedom in Iran. Send a copy of the resolution to President Joseph R. Biden, Vice President Kamala D. Harris, Speaker of the House Nancy Pelosi, Senate Majority Leader Chuck Schumer, Senator Dianne Feinstein, Senator Alex Padilla, and Congressmember Barbara Lee.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 70,552–N.S.

**Urgency Item: Adopt a Resolution in Support of the Women of Iran and Condemning the Iranian Government’s Oppression of Women and Violent Suppression of Protests**

**From: Councilmember Droste (Author), Councilmember Kesarwani (Author), Councilmember Robinson (Author), Councilmember Wengraf (Author)**

**Recommendation:** Adopt a Resolution in support of the Women of Iran and Condemning the Iranian Government’s Oppression of Women and Violent Suppression of Protests.

Send copies of the resolution and letters to Senators Feinstein and Padilla, and Congresswoman Lee.

**Financial Implications:** Staff time

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

**Action:** Adopted Resolution No. 70,553–N.S.

**1. 2023 Tax Rate: Transportation Network Company User Tax**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,834-N.S. setting the 2023 tax rate (effective January 1, 2023) for the transportation network company at the following rates: 53.775 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 26.249 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,834–N.S.

## Consent Calendar

2. **Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,835-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:  
-BMC Section 23.204.050 (C-C Zoning District)  
-BMC Section 23.204.080 (C-E Zoning District)  
-BMC Section 23.204.090 (C-NS Zoning District)  
-BMC Section 23.204.130 (C-DMU District)  
-BMC Section 23.206.050 (Protected Uses)  
-BMC Section 23.304.030 (Setbacks)  
-BMC Section 23.304.090 (Usable Open Space)  
-BMC Section 23.322.030 (Required Parking Spaces)  
-BMC Section 23.406.070 (Design Review)  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,835–N.S.
3. **Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, and September 20, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,554–N.S.



## Consent Calendar

**4. Contract No. 117596-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the total Spay Neuter Your Pet (SNYP) allocation from \$23,812 to \$35,000 and execute a contract and any necessary amendments with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2023, increasing the contract amount by \$17,500 for a new total contract amount not to exceed \$67,218 and extending the terms of the contract to September 14, 2023.

**Financial Implications:** General Fund - \$17,500

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Adopted Resolution No. 70,555–N.S.

**5. Contract No. 108-410-1 Amendment: Paw Fund for Spay and Neuter Services**  
**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the total Spay Neuter Your Pet (SNYP) allocation from \$23,812 to \$35,000 and to execute a contract and amendments with Paw Fund to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2023, increasing the contract amount by \$17,500, for a new total contract amount not to exceed \$134,466 and extending the terms of the contract to September 14, 2023.

**Financial Implications:** General Fund - \$17,500

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Adopted Resolution No. 70,556–N.S.

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 11, 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. Total estimated cost of items included in this report is \$2,968,600.

**Financial Implications:** Various Funds - \$2,968,600

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

**Action:** Approved recommendation.

## Consent Calendar

- 7. Contract No. 3220192 Amendment: Alameda County Network of Mental Health Clients**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 3220192 with Alameda County Network of Mental Health Clients, Berkeley Drop-In Center (BDIC) Community Crisis Response Services to add \$100,000 to hire one additional homeless outreach staff member increasing the not-to-exceed amount to \$490,000, and extending the contract by one year to December 31, 2023..  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,557–N.S.
- 8. Revenue Grant Agreement: Funding Support from the State of California Women, Infant, Children Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Women, Infants, and Children (WIC) program in the projected total amount of \$1,810,197 for Federal Fiscal Years (FFY) 2023 through 2025.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,558–N.S.
- 9. Expand the Program Manager Series by Establishing the Principal Program Manager Classification and Salary Range**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to expand the Program Manager Series by establishing the Principal Program Manager classification with a monthly stepped salary range of \$12,651.60 to \$15,309.90 effective October 7, 2022.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,559–N.S.
- 10. Classification and Salary: Establishing the Diversity, Equity, and Inclusion Officer Classification and Salary Range**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to expand the Diversity, Equity, and Inclusion Officer classification with a monthly stepped salary range of \$11,497.20 - \$15,107.73 effective October 7, 2022.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,560–N.S.

## Consent Calendar

- 11. Classification and Salary: Assistant to the City Attorney**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to establish the Assistant to the City Attorney classification with a monthly stepped salary range of \$11,497.20- \$15,107.73 effective October 11, 2022.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,561–N.S.
- 12. Revision of the Tool Lending Specialist Classification to Reflect an Accurate Scope of Duties with a Four Percent (4%) Salary Increase**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 62,558-N.S. to approve the revision of the Tool Lending Specialist job specification to accurately reflect the scope of duties and to increase the current salary schedule by four percent (4%) effective March 16, 2021, or the employee’s start date, if more recent.  
**Financial Implications:** See report  
Contact: Tess Mayer, Library, (510) 981-6100  
**Action:** Adopted Resolution No. 70,562–N.S.
- 13. Contract: Abbe & Associates LLC for the development of the Integrated Zero Waste Management Strategic Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Abbe & Associates LLC for the development of a draft and final Integrated Zero Waste Management Strategic Plan. Abbe & Associate LLC’s submittal was rated as the most comprehensive and responsive proposal to the RFP, Spec. No. 22-11477-C , released April 28, 2022. The contract’s total amount not to exceed is \$500,000.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,563–N.S.

## Council Consent Items

- 14. Residential Preferential Parking (RPP) Program Expansion for West Berkeley Neighborhoods Within Two Blocks of Commercial Corridors**  
**From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Referral to the City Manager to expand the scope of the Residential Preferential Parking (RPP) program as originally proposed by staff during the May 14, 2019 City Council Public Hearing as a way to allow more residents to opt-in to this program.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Vice-Mayor Harrison added as a co-sponsor. Approved recommendation.

## Council Consent Items

- 15. Regulation of Autonomous Vehicles** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Refer to the City Attorney the assessment of the legal abilities and opportunities for the City Council to regulate the operation, sale, and testing of autonomous vehicles (AVs) within the City of Berkeley and report to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee (FITES) on all findings.  
*Policy Committee Recommendation: To approve the item with a positive recommendation.*  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 16. Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:**  
1. Adopt an Ordinance Amending Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement.  
2. Refer to the City Manager to report to Council within twelve months with anonymized data and information regarding discriminatory reports to law enforcement.  
*Policy Committee Recommendation: Approve the item with a positive recommendation.*  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation of the Public Safety Committee to: 1. Adopt first reading of Ordinance No. 7,837–N.S. as revised in Supplemental Communications Packet #2 by Vice-Mayor Harrison. Second reading scheduled for November 3, 2022. 2. Approve recommendation.
- 17. Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Referral to the November 2022 AAO1 Budget Process for \$50,000 in additional traffic calming at MLK and Addison.  
**Financial Implications:** \$50,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Taplin added as a co-sponsor. Approved recommendation.

## Council Consent Items

**18. Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle Intersections**

**From: Councilmember Harrison (Author)**

**Recommendation:** Referral to the Transportation and Infrastructure Commission and City Manager to consider and make recommendations regarding the policy of deploying Rectangular Rapid Flashing Beacon (RRFB) and other treatments at dangerous or high-collision pedestrian and bicycle intersections.

**Financial Implications:** See report

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

**Action:** Councilmember Taplin added as a co-sponsor. Approved recommendation.

**19. Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone people**

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

**Recommendation:**

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

**Financial Implications:** See report

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

**Action:** Councilmembers Taplin and Robinson added as co-sponsors. Adopted Resolution No. 70,564–N.S. and approved recommendation.

## Action Calendar – Public Hearings

**20. Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments to provide consistency for the incidental use of Amusement Devices and regulate Amusement Device Arcades as Commercial Recreation Centers.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Droste/Arreguin) to adopt first reading of Ordinance No. 7,838-N.S. with the revisions noted in Supplemental Communications Packet #1 by the City Manager regarding formatting errors in the tables. Second reading scheduled for November 3, 2022.

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

Councilmember Hahn absent 9:07 p.m. – 9:12 p.m.

**21. ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095**

**From: City Manager**

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

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 8 speakers.

M/S/C (Harrison/Wengraf) to continue the public hearing to November 3, 2022 and request that the City Manager provide resolution on paragraphs 49 and 50, and provide information on the requirement for an on-site manager unit.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – Taplin, Robinson, Droste.

## Action Calendar

- 22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**  
*(Reviewed by the Health, Life Enrichment, Equity & Community Committee) (Item Contains revised material)*

**From: Commission on Labor**

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

*Policy Committee Recommendation: To forward the Commission on Labor's item to Council with a positive recommendation to adopt the version of the ordinance dated "7/7/22" that was presented to the Health, Life Enrichment, Equity & Community Committee at the July 11, 2022 meeting.*

**Financial Implications:** See report

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

- 22b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**  
*(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**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.

*Policy Committee Recommendation: To forward the Commission on Labor's item to Council with a positive recommendation to adopt the version of the ordinance dated "7/7/22" that was presented to the Health, Life Enrichment, Equity & Community Committee at the July 11, 2022 meeting.*

**Financial Implications:** See report

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

**Action:** Item 22a. scheduled for November 3, 2022. Item 22b. withdrawn by City Manager.

- 23. Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information**

**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)**

**Recommendation:**

1. Proceed with Paving of Hopkins Street from Sutter Street to San Pablo Avenue as currently scheduled for 2023.

2. Proceed with implementation of the approved facilities from Sutter to McGee Avenue (including the four-way stop sign at McGee) in accordance with the Supplemental 3 recommendations approved by the City Council on May 10, 2022, including but not limited to the requirement that Community Building/Placemaking elements be developed and implemented simultaneously with Complete Streets/Traffic elements, to the greatest extent feasible.

3. Apply up to the full \$300,000 allocated between the FY 23 and FY 24 budgets towards the Community Building/Placemaking elements on the nine-block segment of Hopkins from Sutter to McGee to support their full and simultaneous

## Action Calendar

implementation, as designed by a Landscape Architect.

4. Place on hold work towards implementing the changes for the three blocks of Hopkins from McGee to Gilman Street approved on May 10, 2022 pending further study of the alternatives, consideration of the specifications listed below under Alternatives to be Considered and Independent Study Specifications and additional City Council action, after the required study and community input, to either affirm the Council's actions of May 10, 2022 or to implement a substitute or modified program.

5. Refer \$400,000 to the FY 2024 budget process to fund a comprehensive, independent study of the McGee to Gilman portion of Hopkins Street, as specified below under Alternatives to be Considered and Independent Study Specifications.

**Financial Implications:** See report

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

**Action:** M/S/C (Hahn/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** Ayes – Kesarwani, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – Taplin, Harrison, Wengraf.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:30 a.m.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Wengraf.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:45 a.m.

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

Councilmember Bartlett absent 12:23 a.m. – 12:44 a.m.

**Action:** 62 speakers. M/S/C (Arreguin/Hahn) to adopt the recommendation from the City Manager in Supplemental Communications Packet #2 from City Manager.

The City Manager proposes the following.

1. Staff will provide a report to City Council by January 31, 2023, covering safe bike facility options considered but not recommended, explaining the potential benefits of those options as well as constraints that led to their elimination from consideration. Options considered but not recommended include the Ada Bypass, Hopkins/Rose Combination, and Hopkins One-Way Uphill.
2. A written report will be prepared by a newly engaged consultant/consulting team to include the elements listed below. The parking study area for the report will cover Hopkins from Carlotta to Gilman Streets as well as surrounding streets impacted by a mix of customers, employees, deliveries, and residents.

Study will consider current conditions and impacts of proposed changes on people traveling to the area by all modes, including on foot, bicycle, transit, truck (including



## Action Calendar

semi-with trailer), wheelchair, taxi/rideshare, and those arriving by vehicle. Needs of individuals with limited mobility will also be considered and addressed.

Study will include, at a minimum, curb management analysis, a loading study to understand business needs, analysis of parking loss/gain and impacts for both vehicles and bikes, economic impacts analysis for businesses, and an intercept-type study to understand how residents and visitors currently access the study area and how transportation mode choices might change with different conditions.

Study will also cover potential/recommended parking loss mitigations including but not limited to timed and/or metered parking spaces, use of Residential Parking Permits, and special parking designations as needed for deliveries, disability access, and other uses. Potential benefits and impacts of mitigation strategies on all users, including residents, will be considered. Parking and loading options for residences, businesses, and schools/institutions losing street parking will be clarified.

In addition to analysis, the study and/or report(s) will present specific data, including complete estimated parking loss counts and analysis of proposed mitigation measure benefits/impacts, as well as any other data collected in the course of this and previous studies.

3. The economic impacts analysis will be prepared by the Economic Development Department with findings shared on or before January 31, 2023.
4. Staff is already working with a landscape architect to enhance the social and commercial space at and around the shopping node, as well as landscaping and other elements described in the original referral and May 10 approved plans.

The report(s) will be delivered to City Council in early 2023 for the public and City Council to consider after a round of outreach to this community's stakeholders. The City Manager's Office expects the cost of the report(s) to be less than \$50,000, which the City Manager will cover from existing public works salary savings and include a request for specific allocation in the next budget update.

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

### 24. Harriet Tubman Terrace Tenant Support

**From:** Housing Advisory Commission

**Recommendation:** Recommend City Council take the following actions:

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

**Financial Implications:** See report.

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

**Action:** Item 24 scheduled for November 3, 2022.

## Information Reports

- 25. Commission on Disability Fiscal Year 2022-2023 Work Plan**  
**From: Commission on Disability**  
Contact: Andrew Brozyna, Commission Secretary, (510) 981-6300  
**Action:** Received and filed.

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

## Adjournment

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

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

Adjourned at 12:44 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on October 11, 2022.

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Mark Numainville, City Clerk

## Communications

### COVID-19 Moratorium Eviction Abuse

1. Thelma Tajirian

### Dominguez Lawsuit and House Cars

2. Eric Friedman

### Wildfire Prevention

3. Bruce Feingold

### Wildlife Crossing Under University Avenue

4. Mike Vanderman

### Preserving City Hall and the Veterans Building

5. Leila Moncharsh

### Russian Sister Cities

6. Phil Allen

**Use of Measure G Funds for Leasing Options**

- 7. Cielo Rios (2)

**2136-2154 San Pablo Draft EIR**

- 8. Kelly Hammargren
- 9. Sharon Gong, Planning and Development, Land Use Division

**Trash Along Berkeley Roads**

- 10. Alleen Manning

**COVID Mask Policy for the City of Berkeley**

- 11. Kristie Lavelle
- 12. Sofia Pavlova

**Only One Active Member on the Elmwood Business Improvement Advisory Board**

- 13. Kieron Slaughter, on behalf of the Office of Economic Development

**Enforce Zero Waste Policing and Education**

- 14. Chrise de Tournay Birkhahn (2)

**Concerts at Greek Theaters – Noise Issue and Drivers Leaving**

- 15. Hunter Schiff-Welsh

**More Moderate-Income Housing**

- 16. Lani Allen

**Bug Infested Library Books**

- 17. Barbara Gilbert

**Berkeley 2022 Cannabis Policy Scoreboard**

- 18. Getting It Right from the Start

**Council Meetings and Religious Holidays**

- 19. Barbara Gilbert

**Violation of the Fair Campaign Practices by the 2022 School Board Candidates**

- 20. Berkeley Parents Union

**New Zoning Rules**

- 21. Robert Lauriston
- 22. Susan Taylor
- 23. Avram Gur Arye
- 24. Benjamin Lehman

**Market and Low-Income Housing**

- 25. Patrick Sheahan, on behalf of Claremont-Elmwood Neighborhood Association

**British Home Secretary and Police Symbolic Gestures**

26. Pamela Michaud

**Berkeley Police Departments Budget**

27. Nancy Becker

**Leaders with Integrity Needed in Berkeley**

28. Elana Auerbach

**Serving the Public**

- 29. Ako2account@
- 30. Al Dolgosh
- 31. Jami Page
- 32. Doug
- 33. Public Citizen
- 34. Ronnie C.
- 35. Donny Cash
- 36. Scott Jackson

**Bond Measure L**

- 37. David Lerman
- 38. Joel Libove

**Existing Building Carbonization Code**

39. Christopher La Combe

**Supplemental Communications and Reports 1**

**Item #16: Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement**

40. Gina Rieger

**Item #17: Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison**

41. Revised material, submitted by Councilmember Harrison

**Item #18: Referral to the Transportation and Infrastructure Commission and City Manager to Consider and Make Recommendations Regarding the Policy of Deploying Rectangular Rapid Flashing Beacons and Other Treatments at Dangerous or High-Collision Pedestrian and Bicycle Intersections**

- 42. Revised material, submitted by Councilmember Harrison
- 43. Marc Hedlund

**Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

- 44. Eduardo, on behalf of Sliver Pizzeria
- 45. John Caner, on behalf of the Downtown Berkeley Association (2)

**Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information**

46. S. Entwistle
47. Ellen Simms
48. David Gilbert
49. Chris Lee-Egan
50. Laura Klein
51. Samuel Pfister
52. Jason Martens
53. Bob Flasher
54. Ross Bernet
55. Michael Juster
56. Bianca Walser
57. Todd Andrew
58. Alex Benn
59. Tom Nishioka
60. Stephen Woodrow
61. Kimberly Wohler
62. Rachel Gold
63. Sam Kaplan-Pettus
64. Julian Foley

**Item #20: Referral Response: Amendments to the Zoning Ordinance to clarify and streamline the permit process for Amusement Device Arcades Item Title**

65. Revised material, submitted by Planning and Development

**Supplemental Communications and Reports 2**

**Item #16: Adopt an Ordinance Adding Chapter 13.09 to the Berkeley Municipal Code Prohibiting Discriminatory Reports to Law Enforcement**

66. Revised material, submitted by Councilmember Harrison
67. Team at Karens United
68. Karen Ciolino

**Item #17: Referral to the November 2022 AAO #1 Budget Process for \$50,000 in Additional Traffic Calming at MLK and Addison**

69. Charles Siegel
70. Ray Wichmann

**Item #19: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People**

71. Supplemental material, submitted by Councilmember Hahn

**Item #21: ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095**

72. Joe Spitzley
73. James Chip Brimhall

**Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

74. Revised material, submitted by Councilmember Harrison
75. Beth Roessner, on behalf of the Berkeley Chamber
76. Jack Gardner
77. Jake White
78. Jane Scantlebury
79. Rebecca Rozen, on behalf of the Hospital Council Northern and Central California
80. 51 similarly-worded form letters

**Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information**

81. Revised material, submitted by the City Manager
82. Keren Stronach
83. Isabelle Gaston
84. Bob Flasher
85. Jessica Reich
86. John Blaustein
87. Brooke Dubose
88. Jean McGregor
89. Nancy Werthan
90. Gradiva Couzin
91. Jean Fitz
92. Robert Kehlmann
93. Lenore Ralston
94. Barbara Lewis
95. Kay Englund
96. Kathy Skrainar
97. Judy Baker
98. Karen Kiyo Lowhurst
99. Helena Meyer-Knapp
100. Stefano DellaVigna
101. Nancy Kassoover and Scott Wren
102. Virginia Kamp
103. Len and Ginny Kamp
104. Lisa Oglesby
105. Steve Robey
106. Lisa Chow
107. Lean and John Rosenthal
108. Melanie O'Hare
109. Kimberly Cohn
110. Dona Boatright
111. Stephen Wood
112. Jose Franklin Arau
113. Lisa Goodman
114. Joy Osborne

115. Frances Donovan
116. Paul Dresher
117. Tom and Carol Leonard
118. CC Miksza
119. Rob Yohai
120. Grace Wood
121. Whitney van Nouhuys
122. Gail Nanao
123. Janet Sorensen
124. Heath Maddox
125. Ellen Newman
126. Bronya Feldmann
127. Mary Lou Allen
128. Nicole Laddish
129. Barbara Ryken
130. Steve Meyers
131. John Harris
132. Ina Clausen
133. Leonard Becker
134. Don and Mara Melandry
135. Wendy Markel
136. Susan Orbuch
137. Miftah Leath
138. Sandy Niemann
139. Megan Wachspress
140. Anya Davis
141. Dorothea Dorenz
142. Kenny Yip
143. Judith Brown
144. Heath Maddox
145. Miriam Kasin
146. Wilma Rader
147. Hagit Cohen
148. Kathleen Haberer
149. Miranda Ewell
150. Diana Bermudez
151. Betsy Bigelow-Teller
152. Carol Benioff
153. Ann Krooth
154. Stephen Morris
155. Joan and David Hollinger
156. Rudy VanderLans
157. Brian Gilbane
158. Terry Mandel
159. Gregg and Ruth Gorrin
160. Linda Benjes

161. Darlene Pratt
162. Joan Guilford and Richard Jackson
163. Ellen Goldblatt
164. Joan Garvin
165. Nick Grosh
166. Elizabeth Thomas
167. Katherin Tran
168. Kamron Soltani
169. Victor Gaspar-Flores
170. Fona Ou
171. Mary Staats
172. Katharina Kaiser
173. Bessie Chin
174. Maria Sakovich
175. Bari Cornet
176. Emmerich Anklam
177. William Hein
178. Suzette Trigger
179. Lisa Brenneis
180. Melissa Little
181. Andrew Little
182. Debbie Kendall
183. Stephanie Thomas
184. Judy Davidoff
185. Kathy Scandling
186. Lannon Leiman
187. Jack Gipsman
188. Daren Fields
189. Debra Lande
190. Cindy Rahav
191. Lisa Rossi
192. Peggy Mendelson
193. Marek Kanter
194. Pat Roberto
195. Janice Pat Scott
196. Jerry Skrainar
197. Leslie Retallick
198. Chris McKee
199. Monika Eisenbud
200. Diane Kanegae
201. MaryAnn Furda
202. Leslie Sakai
203. Elsa Tranter
204. Ceara Brencic
205. Bronwyn Hall
206. Laura Schmidt



207. Joyce and Jan DeVries
208. Melinda diSessa
209. Denah Bookstein
210. Barbara Claire Freeman
211. Ben Hartshorne
212. William Foley
213. Richard Laden
214. John Parman
215. Judith Tabb
216. Jo Ann Driscoll
217. Steven Lipson
218. Abby Thorne-Lyman
219. Karen Ball
220. Jeffrey Carter
221. Cindy Shamban
222. Meg Holm
223. Cleo Papanikolas
224. Sam Greenberg, on behalf of East Bay for Everyone, Telegraph for  
People and Cal Berkeley Democrats Board
225. Laurel May
226. Julia Cato
227. Steve Ratcliff
228. Susan Stone
229. Annie Barrows
230. svdlnonpersonal@
231. Patty Lipinska
232. Steve Kamman
233. Brian Turner
234. Robin Blum
235. Andrea Kamman
236. Geoff
237. Jonathan Cohen
238. David Sochowitzky
239. Nicolie Bolster
240. Gloria Schild
241. Sloane Morgan
242. Howard Goldberg
243. Margo Webster
244. Shireen Burns
245. Marc Hedlund
246. Teresa Wong
247. Lee Ann Weber
248. Mary Canavan
249. Virginia Logan
250. Jane Schoenfeld
251. Gabriel Legendy

- 252. Marilyn White
- 253. Cynthia Dorfman
- 254. Alan Schoenfeld
- 255. Councilmember Hahn (14)
- 256. Ellen Weinreb
- 257. George Porter
- 258. Helen Toy
- 259. Diana Bohn
- 260. Bronya Feldmann
- 261. Ellen Hahn
- 262. Poppy Davis
- 263. Monika Mann
- 264. Susan Matisoff
- 265. Peter Samis
- 266. Juanita McSweeney
- 267. Joan Grant
- 268. Patricia St. John
- 269. Meryl Siegal
- 270. Tina Boyer
- 271. Jeanne Schuman
- 272. Mimi Abers
- 273. Tessa Landgraf
- 274. Diane Gerstler
- 275. Linda Franklin
- 276. Jean-Luc Szpakowski
- 277. Nancy Facher
- 278. Daphne Miller
- 279. Dibsych Machta
- 280. Pau Jasper and Family
- 281. Gina Rieger
- 282. Katie Johnson
- 283. Marilyn Jensen
- 284. Heidi Sanders
- 285. Timothy Sanders
- 286. Julie Silber
- 287. Pam Zelnik and Mark Stuhr
- 288. Sally Nelson
- 289. Annell Kocher
- 290. Jeanie Waddell
- 291. Helen Kennedy
- 292. Chris Goldin
- 293. Gail Todd
- 294. Verna Winters
- 295. Jimmy Owens
- 296. Llyana Landes
- 297. Lauren Parsons

- 298. Alex Benn
- 299. John and Bonnie Knight
- 300. Nancy Van House
- 301. Emily Warden
- 302. Anne Sparks
- 303. Naomi Pearce
- 304. Belle Adler
- 305. Barbara Mathews Smith
- 306. Ann Hasse
- 307. Amelia Fernholz
- 308. Peter Metcalf
- 309. Georgie Paulos
- 310. Colleen Busch
- 311. Katherine Ziegler
- 312. Juli Dickey
- 313. Cathy Fogel
- 314. Jamie Rosen
- 315. Susan Brand
- 316. John Gilman
- 317. Daniel Newman
- 318. Helen Kravetzky
- 319. Marvin Snow
- 320. Phyllis Steiber
- 321. Emily Shepard
- 322. Richard Boubelik
- 323. Marilyn Marguilus
- 324. Charles Siegel
- 325. Marueen Burke
- 326. Gail Martin
- 327. Jeanne Friedman
- 328. John Parman
- 329. Nancy Humphrey
- 330. Ben Gerhardstein and Karen Parolek, on behalf of Walk Bike Berkeley (2)
- 331. KO
- 332. Arly Cassidy Dolbakian
- 333. Heather Ball
- 334. Sean Co
- 335. Carol Henning
- 336. Sandra Curtis
- 337. 17 similarly-worded form letters

**Urgent Item: Resolution in Support of Women in Iran**

- 338. Urgent item, submitted on behalf of Councilmember Droste
- 339. Urgent item, submitted on behalf of Councilmember Bartlett

**Supplemental Communications and Reports 3**

**Item #21: ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095**

- 340. Presentation, submitted by Planning and Development
- 341. Barbara Gilbert (2)

**Item #22a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

- 342. Alex Torres, on behalf of the Bay Area Council
- 343. Kelly Hammargren
- 344. Adolfo Cabral
- 345. 13 similarly-worded form letters

**Item #23: Reconsideration of Hopkins Corridor Plan in Light of Newly Available Material Information**

- 346. Kate Nichol
- 347. Eric Rakowski and Yen Trac
- 348. Jessica Livingston
- 349. Jeffrey Baker
- 350. Beth Gerstein, on behalf of Councilmember Kesarwani
- 351. Susie Wallenstein
- 352. Jo Welsch
- 353. Jake Matchet
- 354. Todd Andrew
- 355. Vici Casana
- 356. Janice Shordike
- 357. Susanne Huttner
- 358. Amber Evans (2)
- 359. Ellen Brotsky
- 360. Barbara O'Hay
- 361. Stacey Rutherford
- 362. Carole and Richard Rotblatt
- 363. Ian Meyers
- 364. Dawson Morton
- 365. Florance Zhang
- 366. Friends of Five Creeks
- 367. John Parman

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**THURSDAY, OCTOBER 20, 2022**

**3:00 P.M.**

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.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89720143895>. 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)**; enter Meeting ID: **897 2014 3895**. 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).*

## Preliminary Matters

**Roll Call:** 3:09 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Kesarwani, Taplin, Droste

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. Workers Compensation Appeals Board Case Number: ADJ15205205

**Action:** M/S/C (Arreguin/Wengraf) to authorize the City Manager to settle by Compromise and Release, or else in the alternative by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matter WCAB Case Numbers: ADJ15205205.

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

b. Workers Compensation Appeals Board Case Number: ADJ12548950

**Action:** M/S/C (Arreguin/Harrison) to authorize the City Manager to settle by stipulated award of permanent disability with Award of lifetime future medical care, as to workers' compensation matter WCAB Case Numbers: ADJ12548950.

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

## OPEN SESSION:

Item 1a:

City Council met in closed session on October 20, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated award of permanent disability with an Award of lifetime future medical care, as to workers' compensation matter WCAB Case Numbers: ADJ15205205.

Item 1b:

City Council met in closed session on October 20, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by stipulated award of permanent disability with an Award of lifetime future medical care, as to workers' compensation matter WCAB Case Numbers: ADJ12548950. Public Reports of actions taken pursuant to Government Code section 54957.1.

## Adjournment

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

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

Adjourned at 3:29 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 20, 2022.

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Mark Numainville, City Clerk

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**FRIDAY, OCTOBER 28, 2022**

**3:00 P.M.**

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.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 883 8745 4303. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 3:04 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 3:17 p.m.

**Public Comment - Limited to items on this agenda only – 2 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address: Berkeley Inn 1720 San Pablo Ave, Berkeley, California  
Agency Negotiators: Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Peter Radu, Assistant to the City Manager  
Negotiating parties: City of Berkeley & Pravin Patel  
Property owner: Ganga Holdings, LLC  
Under negotiation: Price and terms

**Action:** No reportable action taken.

### 2. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Chief of Police

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** Adjourned at 6:11 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 28, 2022.

\_\_\_\_\_  
Mark Numainville, City Clerk

