

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 28, 2022
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82212647688>. 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: **822 1264 7688**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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: 6:01 p.m.

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

Absent: Harrison

Councilmember Harrison present at 6:06 p.m.

Report from Closed Session

The City Council met in closed session on June 27, 2022 and authorized the City Attorney to settle the following lawsuits.

- Franklin v. City of Berkeley, et al., USDC No. 3:20-cv-04090, for \$65,000.
- Emery v. City of Berkeley, Alameda County Superior Court Case No. RG19047377 for \$50,000.
- Druschel et al. v. City of Berkeley, Graham Chrisholm, Alameda County Superior Court Case No. Case No. RG20073792 for \$30,000.
- Dominguez, et al. v. City of Berkeley, et al., United States District Court – Northern District of California Case No. 3:21-cv-08599.

The Council met in closed session on April 19, 2022 and authorized negotiating a settlement for up to \$60,000 in the case of Worthy v. City of Berkeley, United States District Court No. 3:20-cv-05558-EMC; the case is now settled for \$60,000.

Ceremonial Matters:

1. Adjourned in memory of Elijah Wallace, son of Kelly Wallace, former Deputy Director of the Department of Health, Housing, and Community Services for the City of Berkeley

City Manager Comments: None

Public Comment on Non-Agenda Matters: 3 speakers.

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Supporting Unionization Efforts by REI Workers.

Vote: All Ayes.

Consent Calendar

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

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Resolution Supporting Unionization Efforts by REI Workers
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a Resolution in support of workers at REI unionizing under representation by United Food and Commercial Workers (UFCW) Local 5.

Financial Implications: None

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

Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,417–N.S.

1. **Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,815-N.S. to amend the Berkeley Municipal Code to create the Residential-BART Mixed-Use District Residential Zone District (Chapter 23.202.150) and additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,815-N.S.

2. **FY 2023 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,816-N.S. setting the FY 2023 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0075%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,816-N.S.

Consent Calendar

- 3. FY 2023 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,817-N.S. setting the FY 2023 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0058%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,817-N.S.
- 4. FY 2023 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,818-N.S. setting the FY 2023 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0130%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,818-N.S.
- 5. FY 2023 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,819-N.S. setting the FY 2023 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0200%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,819-N.S.
- 6. FY 2023 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,820-N.S. setting the FY 2023 tax rate for Business License Tax on large non-profits at \$0.7573 (75.73 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,820-N.S.

Consent Calendar

- 7. FY 2023 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,821-N.S. setting the FY 2023 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0433 (4.33 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,821-N.S.
- 8. FY 2023 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,822-N.S. setting the FY 2023 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1126 (11.26 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,822-N.S.
- 9. FY 2023 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,823-N.S. setting the FY 2023 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2039 (20.39 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,823-N.S.
- 10. FY 2023 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,824-N.S. setting the FY 2023 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0160%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,824-N.S.

Consent Calendar

- 11. FY 2023 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,825-N.S. setting the FY 2023 tax rate for funding the provision of emergency services for the disabled at \$0.01932 (1.932 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,825-N.S.
- 12. FY 2023 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,826-N.S. setting the FY 2023 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,826-N.S.
- 13. FY 2023 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of Ordinance No.7,827-N.S. setting the FY 2023 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2583 (25.83 cents) per square foot for dwelling units and \$0.3906 (39.06 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
Action: Adopted second reading of Ordinance No. 7,827-N.S.

Consent Calendar

14. 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, and May 10, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,418–N.S.

15. 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, and May 31, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,419–N.S.

16. Extension of Interim Director of Police Accountability Appointment

From: City Manager

Recommendation: Adopt a Resolution extending the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2022 at an annual salary of \$182,260.65.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,420–N.S.

Consent Calendar

- 17. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of May 5 (closed and special), May 10 (regular), May 17 (closed), May 24 (regular) and May 31 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 18. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 28, 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: \$4,856,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 19. FY 2023 Revision to the Investment Policy and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2023.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,421–N.S.
- 20. Appropriations Limit for FY 2023**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,422–N.S.

Consent Calendar

- 21. Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from State of California to Conduct Health Promotion Services**
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 to conduct health promotion for the Medi-Cal Administrative Activities (MAA) program for an amount not to exceed \$4,200,000 for the period of the agreement, Fiscal Years 2023 through 2025.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,423–N.S.
- 22. Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,424–N.S.
- 23. Vision Zero Annual Report**
From: City Manager
Recommendation: Adopt a Resolution 1) accepting the City of Berkeley Vision Zero Annual Report for 2021-2022; 2) affirming the actions and priorities as stated in the 2020 Berkeley Vision Zero Action Plan; and 3) directing the City Manager to form a Vision Zero Coordinating Committee for guiding the implementation of the 2020 Vision Zero Action Plan, including coordinating with the ongoing Berkeley Department of Transportation (BerKDOT) referral response and the Reimagining Public Safety Task Force, with the goal of developing a Vision Zero Traffic Enforcement policy before proceeding with the “Safer Streets by Everyone: Enforcement” actions described in the Vision Zero Action Plan.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,425–N.S.
- 24. Purchase Order: PB Loader Corporation for Two Chipper Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 080521-PBL bid procedures and authorizing the City Manager to execute a purchase order for two chipper trucks with PB Loader Corporation in an increased amount not to exceed \$400,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,426–N.S.

Consent Calendar

- 25. Purchase Order: Sonsray Machinery for one CASE Tractor Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) Contract No. 03219-CNH bid procedures and authorizing the City Manager to execute a purchase order for one CASE Tractor Loader with Sonsray Machinery in an amount not to exceed \$165,000.
Financial Implications: Equipment Replacement Fund - \$165,000.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,427–N.S.
- 26. Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase orders with Diesel Direct West, Inc. for fuel for City vehicles and equipment, increasing the combined amount by \$1,900,000 for a total amount not to exceed \$10,744,000, and extending the term through December 31, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,428–N.S.
- 27. Contract: Sposeto Engineering Inc. for FY 2022 Sidewalk Repair Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the FY 2022 Sidewalk Repair Project; accepting the bid of Sposeto Engineering Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$2,512,152.
Financial Implications: Various Measures - \$2,512,152
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,429–N.S.
- 28. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$632,750, and extending the contract term through December 31, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,430–N.S.

Consent Calendar

- 29. Contract No. 10458 Amendment: Alta Planning and Design, Inc. for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10458 with Alta Planning and Design for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$750,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,431–N.S.
- 30. Contract No. 10516 (ERMA Contract No. 114128-1) Amendment: Community Design and Architecture for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10516 (ERMA Contract No. 114128-1) with Community Design and Architecture for On-Call Transportation Planning Services, increasing the contract by \$150,000, for a total amount not to exceed \$650,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,432–N.S.
- 31. Contract No. 117563-1 Amendment: Clean Harbors, Inc. for Hazardous Waste Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley increasing the contract amount by \$200,000 for a new not to exceed amount of \$650,000 and extend the contract term through June 30, 2024.
Financial Implications: Various Funds - \$135,500
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,433–N.S.
- 32. Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$150,000, for a new total not to exceed \$423,534, and extend the authorized term through June 30, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,434–N.S.

Consent Calendar

33. Contract Amendment: East Bay Municipal Utilities District (EBMUD) for Sanitary Sewer Charge and Billing Collection

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the agreement (Contract 9735) with East Bay Municipal Utility District (EBMUD) to administer a Customer Assistance Program (CAP) which is an expanded discount program for qualifying City of Berkeley sanitary sewer customers. Eligible customers under the CAP program will receive a 35% discount on their sewer charges.

Financial Implications: See Report

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

Action: Adopted Resolution No. 70,435–N.S.

34. Recommendation to Use Measure FF Funds as Intended by Voters for Firefighting, Emergency Medical Response, 9-1-1 Communications Services, Hazard Mitigation, and Wildfire Prevention and Preparedness; to Not Reduce General Fund Allocations Towards Fire Services; and to Support Effective Commission Oversight

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (DFSC) supports revenue generated by the voter-approved Fire, Emergency Services and Wildfire Prevention Tax (Measure FF) going towards services described in the Fire Department's 5-year implementation plan, including: Wildfire Prevention and Response, Training and Development, EMS Operations, and Dispatch. The Commission has reviewed and provided input on expenditure plans described by the Fire Department and is engaged in the process of providing input and oversight prior to the budget being finalized. As these projects advance and line-item budgets continue to be developed in more detail, the Commission expects to follow up with more specific recommendations on funding allocations.

In order to provide effective oversight of Measure FF spending as resolved by City Council, the Commission needs to have the tools and information necessary to do so. This includes: 1. Thorough and detailed information about spending plans, including detailed line items and staffing numbers, before budgets are finalized and locked in place (as of December 2021, the commission has not been provided a measure FF budget); and 2. An accounting system that will clearly designate spending from the fund, including job codes that are specific to Measure FF, so that the Commission can easily determine staff time spent on Measure FF-funded activities.

Additionally, in allocating funds towards these critical safety improvements, it is imperative that the City ensures that Measure FF funds are used to supplement, rather than replace, general funding of Berkeley Fire Department costs.

Financial Implications: See report

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

Action: Approved recommendation.

Consent Calendar

- 35. Appointment of Mary-Lee Smith and Glenn Turner to Mental Health Commission for the City of Berkeley**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: Mary-Lee Smith as a representative of the Special Public Interest Category (consumer), to complete her first 3- year term beginning June 29, 2022 and ending June 28, 2025; and Glenn Turner as a representative of the Special Public Interest Category (family member), to complete her first 3-year term beginning June 29, 2022 and ending June 28, 2025.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 70,436–N.S.

Council Consent Items

- 36. Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution to suspend Sister City relations with the cities of Dmitrov, Russia and Ulan-Ude until Russian hostilities against Ukraine come to an end.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,437–N.S.
- 37. Support for AB 2156 – Firearms: manufacturers**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Buffy Wicks and the state legislature in support of Assembly Bill 2156, which would prohibit the manufacture of unlicensed firearms and precursor parts, commonly known as “ghost guns.”
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 38. Support for AB-256 (Racial Justice Act for All)**
From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) and the state legislature in support of Assembly Bill 256, the Racial Justice Act for All, which would apply Kalra’s previous bill, AB 2542 (2020) retroactively to enable appeals of past convictions and sentences made with racial bias.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.

Council Consent Items

- 39. Parking Minima for Mixed-Use Projects and Manufacturing Districts**
From: Councilmember Taplin (Author)
Recommendation: Refer to the City Manager and Planning Commission to develop amendments to Berkeley Municipal Code Chapter 23 Section 322 and return an Ordinance to Council with such amendments to include the following:
(a) In BMC 23.322.030(B)(1), Table 23.322-2: remove “(residential use only)” from Mixed-Use Residential category; reduce “Live/Work” off-street parking requirements to, at most, 1 space per unit; reduce “Manufacturing” off-street parking requirements to, at most, 1 space per 1,500 gross square feet; reduce off-street parking requirements for “All non-residential uses except uses listed below” to, at most, 1 space per 1,000 square feet.
(b) In BMC 23.322.020(C)(2)(i): reduce district minimum parking requirements to 1 space per 1,000 square feet at most in Manufacturing Districts.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 40. Holding Social Media Companies Accountable for Impacts on Children: Supporting AB 2408 and AB 2273 (Wicks/Cunningham)**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Send a letter in support of AB 2408 “Child users: addiction” and AB 2273 “The California Age-Appropriate Design Code Act” (Wicks/Cunningham) to forward to appropriate colleagues, expressing the City of Berkeley’s support for these bills, which would allow parents to sue social media platforms if their children become addicted and require tech firms to create child-safe producing by creating age-appropriate design code for websites and apps likely to be accessed by children.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Action Calendar – Public Hearings

- 41. Approval and Levy of 2018 Clean Stormwater Fee in FY 2023**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Wengraf/Harrison) to adopt Resolution No. 70,438–N.S.
Vote: All Ayes.

Action Calendar – Public Hearings

42. Levy and Collection of Fiscal Year 2023 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in the Fiscal Year 2023.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,439–N.S. (District No. 1982-1) and Resolution No. 70,440–N.S. (District 2018).

Vote: All Ayes.

43. Transfer Station Rates for FY 2023

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion adopt a City Council Resolution authorizing the City Manager to:

1. Approve the proposed Transfer Station rates, environmental compliance fee and special material handling charges to be effective August 1, 2022; and
2. Annually review the Transfer Station rates, environmental compliance fee, and special material handling charges, and increase them by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor, as needed; and
3. Rescind the rates and special handling fees approved by City Council Resolution No. 64,575-N.S., adopted July 14, 2009, and as amended by Resolution No. 64,712-N.S., adopted December 6, 2009.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,441–N.S. It was noted for the record that the following sentence on page 4 of the staff report is revised to read as follows:

In 20092014, the Transfer Station rates were revised and approved without allowance for annual adjustments to these rates to account for any inflation impacts on operational expenses.

Vote: All Ayes.

Action Calendar – New Business

44. FY 2023 & FY 2024 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2023 & FY 2024 Biennial Budget as contained in the City Manager's FY 2023 & FY 2024 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on June 14, 2022, and as amended by subsequent Council action.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2023, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: 31 speakers. Supplemental material received from Mayor Arreguin in Supplemental Packet #2 deemed received.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental material from the City Manager and revised material from Mayor Arreguin on Item 44.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to include for consideration in the adoption of the FY 2023 and FY 2024 Biennial Budget, the line item to add an additional .5 FTE in the legislative assistant classification in each of the eight Council districts.

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

Action: M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,442–N.S. as revised in the supplemental materials received from the City Manager at the meeting, and reflecting the additional appropriations in the revised materials received from Mayor Arreguin at the meeting (including adjustments to the Measure P and Measure U-1 budgets), and further revised as follows:

- Modify the proposed expenditure for the line item entitled “Increase City Council Office Expenditure Accounts” to increase each City Council office expenditure account by \$54,769.50 for FY 2023 and FY 2024, and that the amount is based on .5 FTE in the legislative assistant classification.
- Modify the line item entitled “Dedicated Parking Enforcement in Fire Zones 2 & 3” to reflect that funding will come from the General Fund, and that an adjustment may be made in the future to cover the costs with Measure FF funds.
- Appropriate any remaining positive fund balance to the Section 115 Trust, and include the proposed balancing measures as submitted in the supplemental material received from the City Manager at the meeting.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

Action Calendar – New Business

Vote: All Ayes.

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

Vote: All Ayes.

45. FY 2023 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$737,068,276 (gross appropriations) and \$620,623,866 (net appropriations).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Robinson) to accept revised material from the City Manager on Item 45.

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

Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,828-N.S. as revised in the material received at the meeting from the City Manager to adopt the FY 2023 Annual Appropriations Ordinance (AAO) in the amount of \$754,176,624 (gross appropriations) and \$625,939,999 (net appropriations). Second reading scheduled for July 12, 2022.

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

Councilmember Harrison absent 11:32 p.m. – 11:37 p.m.

Councilmember Droste absent 11:32 p.m. – 11:37 p.m.

46. Borrowing of Funds and the Sale and Issuance of FY 2022-23 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$28,000,000 and the sale and issuance of Fiscal Year 2022-23 Tax and Revenue Anticipation Notes.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,443–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

47. goBerkeley SmartSpace Pilot Program Implementation Recommendations From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

1. Adopt an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive paid parking for non-RPP permit holders in the 2700 blocks of Durant Avenue, Channing Way, and Haste Street and the 2300-2400 blocks of Piedmont Avenue (a portion of Residential Preferential Parking Program Area I) for the duration of the grant-funded goBerkeley SmartSpace pilot program, and allow payment via license plate entry pay stations (“pay-by-plate”) to improve convenience and enforcement; and
2. Adopt a Resolution approving the pilot proposals to be implemented and evaluated as part of the goBerkeley SmartSpace pilot program.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to:

1. Adopt first reading of Ordinance No. 7,829-N.S. Second reading scheduled for July 12, 2022.
2. Adopt Resolution No. 70,444–N.S.

Vote: All Ayes.

Recess 7:42 p.m. – 7:58 p.m.

Action Calendar – New Business

48a. Request for Timely Fiscal Information on Measures FF and GG

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully recommends that Council direct the Fire Department and City Manager provide the Commission with the following fiscal information regarding Measures GG and FF:

1. Base budget documentation for the 22/23 FY (current year) that was approved by Council;
2. Quarterly, preferably monthly, expenditure reports, including a brief narrative describing each line item, with initial reports starting by March 30, 2022, with a published calendar for reporting and
3. The proposed budgets submitted to Council’s Budget and Finance Policy Committee in April, each subsequent revision presented to Council, and the budget that is adopted at the end of the budget process.

The Commission takes seriously the role it has been given by the voters and the City Council to provide oversight and advice to the City Council about the use of Measure GG and FF funds. DFSC commissioners intend to carry out this role but must rely on information from the City Manager and the Fire Department to do so.

Financial Implications: See report

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

48b. Companion Report: Request for Timely Fiscal Information on Measures FF and GG

From: City Manager

Recommendation: The City Manager acknowledges the need to provide accurate, timely, and relevant information to the Disaster and Fire Safety Commission (DFSC). Fire Department Staff has committed to providing the DFSC line item budgets on Measures GG and FF funding plans prior to the budget process cycle as much as feasible. The DFSC can take this opportunity to discuss potential recommendations or issues with Staff with regards to the future spending of the funds. The Fire Department will continue to provide biennial reports on Measure FF as outlined by City Council in accordance to the Adopted Council Resolution No. 69,575–N.S.

Financial Implications: See report

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

Action: Item 48a and Item 48b moved to the Consent Calendar. Approved recommendation for Item 48a and approved recommendation for Item 48b.

Information Reports

49. Voluntary Time Off Program for Fiscal Year 2023

From: City Manager

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: Received and filed.

Information Reports

- 50. Annual Update on Wells Fargo Bank’s Community Involvement and Investment in the City of Berkeley**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
- 51. FY 2022 Second Quarter Investment Report: Ended December 31, 2021**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
- 52. FY 2022 Third Quarter Investment Report: Ended March 31, 2022**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
- 53. HWCAC 2018-2023 Work Plan**
From: Human Welfare and Community Action Commission
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400
Action: Received and filed.
- 54. Annual Report on LPC Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.
- 55. Zero Waste Commission Fiscal Year 2022-23 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300
Action: Received and filed.

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

Adjournment

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

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

Adjourned at 11:37 p.m.

Communications

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

1. Janis Ching
2. Ann Campbell
3. Angie Schertle
4. Judith Baker

Item #38: Support for AB-256 (Racial Justice Act for All)

5. Micael Navarro Lopez
6. Jennifer Coffey
7. Sarah Bush
8. Lilia Goldenberg
9. Brian Hinch

Berkeley Marina Master Plan/Cesar Chavez Park

10. Stefani Berger
11. Ryan Turner
12. Erica Citret Roberts

Covid-19/Masks/Vaccinations/Public Health

13. Elsa, Ortiz, President, AC Transit Board of Directors
14. Anne-Lise Francois
15. Nina Lyons
16. Vivian Warkentin

Hopkins Corridor

17. Shirley Kirsten (2)
18. Lynn Winsten
19. Zelda (2)

Affordable Housing

20. David Lerman
21. Avram
22. Geoff Lomax

Fair Work Week

23. Rebeca Rozen, on behalf of the Hospital Council of Northern & Central California
24. Julie Sinai, on behalf of LifeLong Medical Care

Car Free Homes – 26-Story Building at University and Shattuck

25. Robin Kibby

Bird Safe Glass

26. Summer Brenner

27. Gael Alcock

Property Tax Explosion

28. Carol Corradi

People's Park

29. Diana Bohn

30. Max Ventura

3219 King Street – Property Taxes Placed on Home

31. Gloria Carson

2420 Ashby Avenue – Medical Zoning

32. Christine Brozowski

Healthy Black Families Conference

33. Ayanna Davis, on behalf of Healthy Black Families, Inc.

City's New Website

34. Mark Lowe

Berkeley Social Housing Pilot

35. Derek Sagehorn

African American Holistic Resource Center

36. Diana Bohn

Shattuck Cinemas

37. Charlene Woodcock

Rodeway Inn

38. Max Ventura

Juneteenth Festival

39. Delores Nochi Cooper

Thanks from Kala Art Institute

40. Ellen Lake, on behalf of Kala Art Institute

Removal of Child from Parents Recommended

41. Darwin Greenwell

Community College Constitutional Rights

42. Benjamin Stein

Smoking in a Multi-Unit Complex

43. Anne Marei

Hazards Created by Bicycle and Skateboard Users

44. Meryl Siegal

Huge Piles of Wood Chips

45. Max Ventura

Recurrent Roach Issues at 2020 Kittredge (a CalCHA Building)

46. Alex Merenkov

Tenants Opportunity to Purchase Act (TOPA)

47. Sam Frankel

48. Margaret Alducin

49. Yoni Mayeri

50. 8 similarly-worded form letters

Supplemental Communications and Reports 1

Item #1: Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

51. Michael Brodheim

52. Susan Kuchinskas

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

53. Ben Paulous

Supplemental Communications and Reports 2

Urgent Item: Resolution Supporting Unionization Efforts by REI Workers

54. Urgent item, submitted by Councilmember Taplin

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

55. Supplemental material, submitted by Mayor Arreguin

56. Justin Lee

57. Nicole Chabot

58. Vernon Theiss

59. Joshua Jacobs, on behalf of Homeless Services Panel of Experts

60. Carole Marasovic, Chair of the Homeless Services Panel of Experts Chair

61. Diana Bohn

62. Geoff Lomax

63. Kelly Hammargren

64. Bob Fabry and Susan Taylor

65. Nancy Rader

- 66. Julie Lebel
- 67. Hannah Meleokaiao Ayasse
- 68. Elissa Lee
- 69. 16 similarly-worded form letters

Supplemental Communications and Reports 3

Item #36: Suspension of Sister City Relations with Dmitrov, Russia and Ulan-Ude, Russia

- 70. Igor Tregub

Item #44: FY 2023 & FY 2024 Biennial Budget Adoption

- 71. Supplemental material, submitted by the City Manager's Office
- 72. Supplemental material, submitted by Mayor Arreguin
- 73. Presentation, submitted by the City Manager's Office
- 74. Jim McGrath
- 75. John-Mario Arcilla Sevilla
- 76. Liz Ozol
- 77. Avilee Goodwin
- 78. Jochelle Perena
- 79. Cindy Chan
- 80. Nancy Ng
- 81. Phoenicia Pettyjohn
- 82. Andrea Mullarkey, on behalf of SEIU 1021
- 83. Angela Jernigan

Item #45: FY 2023 Annual Appropriations Ordinance

- 84. Revised material, submitted by the City Manager's Office

Action Calendar – Public Hearings

Item #47: goBerkeley SmartSpace Pilot Program Implementation Recommendations

- 85. Presentation, submitted by the Planning Department