

# ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, July 26, 2022  
3:00 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/89491193768>. 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 9119 3768**. 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:** 3:05 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 3:07 p.m.

Councilmember Bartlett present at 3:21 p.m.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 0 speakers.

**Action:** M/S/C (Arreguin/Wengraf) 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. **Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245**

**From:** City Manager

**Recommendation:** Adopt two Resolutions:

1. Adopting a successor three-year Memorandum Agreement (MA) with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of July 1, 2022 through June 30, 2025, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and
2. Approving a new salary resolution for Representation Unit C that implements the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 69,962-N.S.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,453–N.S. (IBEW Local 1245), and Resolution No. 70,454–N.S. (Representation Unit C).

## Consent Calendar

2. **Side Letter of Agreement – SEIU Local 1021 Maintenance and Clerical Chapters**  
**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union Local 1021 Maintenance and Clerical Chapters to modify Section 31.3 of the Memorandum Agreement regarding the Pre-Age 65 Retiree Health Insurance. Effective 7/1/2022 through 6/30/2023, the City shall contribute an additional \$200.00 toward both single and two-party rate for active employees who retire from city service and file such retirement within thirty (30) days of separation from the city with CalPERS. This enhanced retiree incentive shall continue until Section 31.4 become applicable.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,455–N.S.

## Action Calendar – New Business

### 3. **Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition**

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

**Recommendation:** Adopt a Resolution establishing a Council fiscal policy to allocate \$8 million annually in General Fund monies for street maintenance, adjusted annually for inflation. The allocation will augment the existing General Fund street paving budget of \$7.3 million, for a total of \$15.3 million annually, adjusted for inflation. The policy allows for suspension in any year in which there is a budget deficit or emergency under two circumstances (1) the City Council draws upon \$1 million (or more) from its Stabilization Reserve in order to adopt a final budget; or (2) a two-thirds vote of the City Council.

This policy is needed to ensure that deferred street maintenance is supported by an ongoing adequate General Fund contribution. Without adequate ongoing street maintenance funding, analysis shows that a one-time infusion of resources will only lead to a temporary improvement in the pavement condition.

**Financial Implications:** See report

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

**Action:** 5 speakers. M/S/C (Wengraf/Arreguin) to adopt Resolution No. 70,456–N.S. with the changes to resolved clauses noted in the underlined text below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a fiscal policy is hereby established requiring the allocation of \$8 million dollars annually from the General Fund to the Street Maintenance Fund, in addition to the existing baseline \$7.3 million allocation, for a total amount of \$15.3 million to be adjusted annually for inflation using the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor statistics, or other construction index as recommended by the City Manager.

BE IT FURTHER RESOLVED that this fiscal policy to fund street maintenance at a level of \$15.3 million (as adjusted for inflation) may be suspended in any year in which the City Council draws upon \$1 million (or more) from the Stabilization Reserve in order to adopt a final budget or by a two-thirds vote of the City Council.

**Vote:** All Ayes.

## Action Calendar – New Business

### 4. **Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of \$300 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

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

**Action:** 15 speakers. M/S/C (Arreguin/Kesarwani) to continue Item 4 to a special meeting to be held on August 3 and provide direction to the City Manager to return with a revised single bond measure in an amount from \$600 million to \$650 million, and provide analysis of the various bond amounts, including average tax rate and various bond terms. Bond measure text should categories the funding as noted below.

\$300 million – street paving, sidewalks, and complete streets

\$150 million – affordable housing

\$150 million – other public infrastructure, undergrounding on evacuation routes, civic center improvements, infrastructure at the waterfront, the pier, parks, pools, or other public infrastructure.

**Vote:** All Ayes.

### 5. **Placing a Special Tax Measure on the November 8, 2022 Ballot to Fund Street Repairs, Sidewalk Repairs, and Traffic Safety Improvements; and Adopting the Vision 2050 Program Plan**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to fund street repairs, sidewalk repairs, and traffic safety improvements to a vote of the electors at the November 8, 2022 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

3. Adopt a Resolution adopting the Vision 2050 Program Plan.

**Financial Implications:** See report

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

**Action:** 6 speakers. M/S/C (Arreguin/Wengraf) to take no action on Item 5.

**Vote:** All Ayes.

Recess 5:59 p.m. – 6:15 p.m.

## Action Calendar – New Business

### 6. Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to tax vacant residential units to a vote of the electors at the November 8, 2022 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Robinson) to accept revised materials from Vice-Mayor Harrison on Item 6.

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

**Action:** 45 speakers. M/S/C (Arreguin/Harrison) to continue the item to the August 3 special meeting including revised material submitted at the meeting by Vice-Mayor Harrison.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 8:56 p.m.

## Communications

### Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

1. Adriel Hampton

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #4 Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

2. James McGrath

### Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

3. Revised material, submitted by Councilmember Harrison

4. Kelly Hammargren
5. The Berkeley Progressive Alliance
6. Sam Greenberg, on behalf of East Bay for Everyone, Telegraph for People, and Cal Berkeley Democrats

### **Supplemental Communications and Reports 3**

#### **Item #3: Establishing Policy for Adequate Annual General Fund Contributions for Street Maintenance to Prevent Deterioration of Pavement Condition**

7. Ben Gerhardstein, on behalf of Walk Bike Berkeley

#### **Item #4 Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements**

8. Presentation, submitted by Public Works
9. Vanessa Marrero
10. Anne McClintock
11. Alejandro Garcia-Paredes
12. Rie Takahashi
13. Berkeley Tenants Union
14. Ignacio Dayrit
15. Karin Wertheim
16. Summer Brenner
17. La Fan
18. Chimey Lee
19. Michael Brown
20. Shelley Pitts

#### **Item #6: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units**

21. Paola Laverde
22. Tracy Parent, on behalf of the Bay Area Community Land Trust
23. Robin Rattan
24. Sylvia Chapman
25. Julia Cato
26. Gale Garcia
27. Elana Auerbach
28. Bryce Nesbitt
29. Andrea Mullarkey, on behalf of SEIU 1021
30. Sandra Fini
31. Igor Tregub
32. Martin Nicolaus
33. Ida Martinac
34. Diana Bohn
35. Jordan Burns