

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, November 15, 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/83640362532>. 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: **836 4036 2532**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: Kesarwani, Taplin

Councilmember Kesarwani present at 6:06 p.m.

Councilmember Taplin present at 6:06 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Recognition of the Alameda County Healthy Homes Department receiving the U.S. Department of Housing and Urban Development (HUD) 2022 Secretary Award
2. Recognition of and Adjourned in Memory of Barbara Ann White, Social Justice Advocate, and former Employee with the Department of Health, Housing, and Community Services in the Mental Health Division

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Taplin) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(2) entitled Budget Referral: Berkeley Junior Jackets Field Use Expenses.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Droste) to accept revised material from the Fire Department on Item 23.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 30 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions

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

Recommendation: Adopt a Resolution in support of UAW 2865, UAW 5810, and SRU-UAW's ongoing contract negotiations and strike actions at UC Berkeley and across all UC campuses, and send a letter of support to UC President Michael Drake and Provost Michael Brown.

Financial Implications: None

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

Action: Adopted Resolution No. 70,590–N.S.

Urgent Item: Budget Referral: Berkeley Junior Jackets Field Use Expenses

From: Councilmember Taplin (Author)

Recommendation: That the City Council refers \$6000 to the November Annual Appropriations Ordinance to provide Berkeley Junior Jackets' the necessary funds to cover expenses associated with the use of Berkeley Unified School District facilities in the operation of their youth sports program.

Financial Implications: None

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

Action: Councilmembers Bartlett and Harrison added as co-sponsors. Approved recommendation.

1. Minutes for Approval

From: City Manager

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 (closed).

Financial Implications: None

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

Action: Approved the minutes as submitted.

Consent Calendar

2. **Appointment of the Chief of Police**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Jennifer Louis as the Chief of Police to be effective November 27, 2022 at an annual salary of \$256,125.

Financial Implications: See report

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

Action: Moved to Action Calendar. Item 2 removed from the agenda by the City Manager.

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

From: City Manager

Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2022 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2023; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2023 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 6, 2022.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,591–N.S. with revisions to the first paragraph of Section 6 to include the option for in-person participation at the public hearing on December 6, 2022.

4. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 15, 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 - \$11,384,039

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

Action: Approved recommendation.

5. **Contract: Station Automation Inc., DBA PSTrax for Real-time, Paperless Check-off and Asset Management Software**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Station Automation Inc., DBA PSTrax for real-time, paperless check-off and asset management software, for a total amount not to exceed \$125,000.

Financial Implications: Measure Q Fund - \$125,000

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

Action: Adopted Resolution No. 70,592–N.S.

Consent Calendar

6. **Contract No. 32000116 Amendment Genasys, Inc. for Outdoor Warning System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000116 with Genasys, Inc. for Outdoor Warning System, increasing the amount by \$200,000 for a total not to exceed amount of \$2,174,457.
Financial Implications: Measure FF Public Safety - \$200,000
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,593–N.S.
7. **Contract: Harold Dichoso for Providing Temporary Consulting Services for the Health, Housing, and Community Services (HHCS) Department.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Harold Dichoso for providing consulting services to the Department of Health, Housing, and Community Services Office of the Director related to the Health Justice Internship Program for a term of 8 months. The total not-to-exceed contract amount is \$90,000.
Financial Implications: Bioterrorism Grant Fund - \$90,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,594–N.S.
8. **Measure P: Contract No. 31900273 Amendment- Bay Area Community Services (BACS) North County Housing Resource Center – Shallow Subsidy Program and Contract No. 32200051 Amendment: WeHOPE for Mobile Showers and Laundry Services**
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900273 with Bay Area Community Services (BACS) to amend the scope of work to shift up to \$637,550 in unspent funds from the Measure P General Fund - funded Shallow Subsidy Program to a Flexible Funding Pool Program.
2. Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200051 with WeHOPE to add \$127,380 for an amount not to exceed \$375,667 to provide mobile shower and laundry services through June 30, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,595–N.S. (BACS), and Resolution No. 70,596–N.S. (WeHOPE).

Consent Calendar

9. New Classification Deputy City Attorney IV

From: City Manager

Recommendation: Adopt a Resolution to expand the Deputy City Attorney series by establishing the Deputy City Attorney IV classification with a monthly stepped salary range of \$15,936.37 - \$19,593.60 effective November 15, 2022.

Financial Implications: None

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

Action: Adopted Resolution No. 70,597–N.S.

10. Amendments to On-Call Waterfront Engineering, Design, Environmental Permitting and Construction Administration Services Contract No. 32000261 with COWI North America, Inc, and Contract No. 32000263 with Transystems Corporation

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32000261 with COWI North America, Inc., and Contract No. 32000263 with Transystems Corporation, for on-call waterfront engineering, design, environmental permitting and construction administration services by increasing the contract amount by \$1,000,000 and the duration by twelve months each, from June 30, 2023 through June 30, 2024, to a total not-to-exceed amount of \$2,000,000 each.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 70,598–N.S. (COWI North America) and Resolution No. 70,599–N.S. (Transystems Corporation).

11. Contract Awards: Sharjo, Inc. dba ServiceMaster Recovery Management and Belfor USA Group, Inc. for on-call Emergency Restoration, Mitigation and Remediation Services

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or designee to execute the following contracts for on-call emergency restoration, mitigation and remediation services, each for a period of December 1, 2022 through December 31, 2025:

1. Sharjo, Inc. dba ServiceMaster Recovery Management for an amount not to exceed \$150,000.

2. Belfor USA Group, Inc. for an amount not to exceed \$150,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,600–N.S. (Sharjo, Inc.) and Resolution No. 70,601–N.S. (Belfor USA Group, Inc.).

Consent Calendar

- 12. Contract No. 10413B Amendment: LAZ Parking LLC for Managing City-Owned Off-Street Parking Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10413B with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street Garages, extending the term to December 31, 2024 and increasing the contract amount by \$5,162,424 for a total not-to-exceed of \$16,252,375.
Financial Implications: Off-Street Parking Fund - \$5,162,424
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,602–N.S.
- 13. Contract No. 10340 (ERMA 111976-1) Amendment: HF&H Consultants, LLC for the Update of Rate Model**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10340 (ERMA 111976-1) with HF&H Consultants, LLC for the Update of the Zero Waste Rate Schedules, extending the term to June 30, 2025, and increasing the contract by \$75,000 for a total contract amount not to exceed \$325,000.
Financial Implications: Zero Waste Fund - \$75,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,603–N.S.
- 14. Contract No. 117610-1 Amendment Columbia Electric, Inc. for On-Call Electrical Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 117610-1 with Columbia Electrical, Inc., increasing the current contract by \$300,000 for a total not to exceed amount of \$375,000 and extending the contract through June 30, 2025.
Financial Implications: General Fund - \$300,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 70,604–N.S.

Consent Calendar

15. Sewer and Access Road Easement and Installation Agreements with Paulonia Investment, LLC and Little Tree Investment, Inc., and James Robert Higgins and Summary Vacation of Existing Sewer Easements

From: City Manager

Recommendation:

1. Adopt first readings of three Ordinances authorizing the City Manager to execute easement and installation agreements and any amendments for sewer pipe facilities with:

A. Paulonia Investment, LLC and Little Tree Investment, Inc. for extending, operating, maintaining, and accessing sewer pipe facilities on parcel with APN 063-2969-034-23, and

B. James Robert Higgins for extending, operating, maintaining and accessing sewer pipe facilities on 1033 Miller Avenue (APN 063-2969-034-25) and

C. Paulonia Investment, LLC and Little Tree Investment, Inc. on parcel with APN: 063-2969-034-44 for accessing sewer pipe facilities.

2. Adopt a Resolution to summarily vacate the existing sewer right-of-way easement and sewer reserve easement on parcel with APN 063-2969-034-23.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,841–N.S. (APN 063-2969-034-23), Ordinance No. 7,842–N.S. (APN 063-2969-034-25), and Ordinance No. 7,843–N.S. (APN 063-2969-034-44). Second readings scheduled for November 29, 2022.

Adopted Resolution No. 70,605–N.S.

16. Reinstate Burma (Myanmar) on Berkeley’s Oppressive States List

From: Peace and Justice Commission

Recommendation: Adopt a Resolution to reinstate Burma (Myanmar) on Berkeley’s Oppressive States list; to urge the federal government to strengthen sanctions on the military regime including on its Myanmar Oil and Gas Enterprises (MOGE), and to recognize and support the Burma National Unity Government (NUG), including ensuring the continued representation of Burma at the United Nations by U Kyaw More Tun. Send copies of the Resolution to the congressional delegation and other federal leaders.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 70,606–N.S.

Council Consent Items

17. United Against Hate Week 2022

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

Recommendation:

1. Adopt a Resolution declaring November 13th – 19th, 2022 as United Against Hate Week.

2. Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$250 per Councilmember, to support the film screening of “Repairing the World” in Berkeley with residuals going to Not in Our Town for United Against Hate Week.

Financial Implications: Mayor’s Discretionary Funds - \$250

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 70,607–N.S. (United Against Hate Week), and Resolution No. 70,608–N.S.

(Expenditure) revised to reflect a not to exceed expenditure amount of \$500 per Councilmember, and further revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500, Councilmember Wengraf - \$250, Councilmember Kesarwani - \$100, Councilmember Hahn - \$300, Councilmember Robinson - \$250, Councilmember Droste - \$100, Councilmember Harrison - \$100, Councilmember Taplin - \$250.

18. Resolution Supporting Removal of Cuba from the U.S. State Sponsor of Terrorism List

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

Recommendation:

1. Adopt Resolution supporting removal of Cuba from the U.S. State Sponsor of Terrorism List; and

2. Refer to the City Clerk to send copies of the resolution and letters to Representative Lee and Senators Feinstein and Padilla.

Financial Implications: Staff time

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

Action: Adopted Resolution No. 70,609–N.S.

Council Consent Items

19. **Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate the Use of Carryout and Produce Bags and Promote the Use of Reusable Bags** (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)

From: Councilmember Harrison (Author), Councilmember Hahn (Author)

Recommendation:

1. Adopt an ordinance adding a Chapter 11.62 to the Berkeley Municipal Code to regulate the use of carryout and produce bags and promote the use of reusable bags with a phased enforcement and implementation approach, effective with respect to new charges for bags pursuant to Sections 11.63.040 and 11.63.050 and provisions applicable to the City of Berkeley and City-sponsored events pursuant to Section 11.63.090 on January 1, 2023, and administrative regulations for and all provisions in this ordinance effective June 30, 2023.

2. Refer to the City Manager and Public Works to consider a Zero Waste rate modification with an anticipated net-zero impact on General Fund to provide additional staffing capacity consistent with business and community outreach, support services, implementation, and phased enforcement of this ordinance and other plastic reduction ordinances. Out of an abundance of caution, and in the event that additional or alternative staffing resources are needed beyond a potential rate increase, refer to the Fiscal Year 2023 AAO #1 Budget Process up to \$350,000 per year for staffing for this ordinance and other plastic reduction ordinances.

Policy Committee Recommendation: To approve the item with a positive recommendation.

Financial Implications: Staff Time - \$350,000 per year

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

Action: As recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee: 1. Adopted first reading of Ordinance No. 7,844–N.S. Second reading scheduled for November 29, 2022. 2. Approved recommendation.

Council Consent Items

20. The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

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

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$125 per Councilmember, including \$125 from Councilmember Wengraf, to support the Berkeley Baby Book Project, a non-profit, with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf and all other Councilmembers who would like to contribute, will provide books to Berkeley children aged 0-5 years. The books are delivered by USPS and addressed to the child who owns them at no cost to their family. \$125 covers one book delivered to one child every month for 5 years.

Financial Implications: Councilmember's Discretionary Funds - \$125

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

Action: Adopted Resolution No. 70,610–N.S. as revised to include contributions from the following Councilmember up to the amounts listed: Councilmember Kesarwani - \$125, Councilmember Hahn - \$125, Councilmember Robinson - \$125, Councilmember Droste - \$125, Councilmember Harrison - \$100, Councilmember Taplin - \$125, Mayor Arreguin - \$125.

21. Budget Referral: Closing the Southside Complete Streets Funding Gap

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

Recommendation: Refer \$1,000,000 to the FY 2023 AAO #1 process to contribute to closing the funding gap for the Southside Complete Streets project to ensure that construction on Bancroft, Dana, & Fulton can proceed on schedule and to prevent the loss of \$7.3M in federal funding.

Financial Implications: \$1,000,000

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

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

Council Consent Items

22. **Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action Fund**
From: Councilmember Robinson (Author), Councilmember Harrison (Author), Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Refer to the City Manager to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: -Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents.

Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.

Financial Implications: See report

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

Action: Councilmember Harrison added as a co-sponsor. Approved recommendation as revised to read as follows:

Refer to the City Manager to explore the creation of a program to establish a two-tiered point-of-sale rebate program to reduce the up-front cost of electric bicycles and necessary safety and security accessories for Berkeley residents, including: - Rebate Level 1: a point-of-sale rebate to be made available to all City of Berkeley residents; -Rebate Level 2: a point-of-sale rebate that covers a higher percentage of the cost than Rebate Level 1, to be made available to low-income City of Berkeley residents.

Refer \$500,000 to the FY 2023 AAO #1 process as follows: -\$400,000 for the point of sale rebate program; -\$100,000 in supplementary funding towards the Climate Equity Action Fund (CEAF) to further facilitate e-bike ownership among low-income Berkeley residents.

Recess 8:02 p.m. – 8:12 p.m.

Action Calendar – Public Hearings

23. Adoption of the 2022 California Fire Code with Local Amendments

From: City Manager

Recommendation:

1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2022 California Fire Code (“CFC”) and rescinding Resolution number 69,178–N.S.;
3. Conduct a public hearing and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 69,179–N.S. and all Resolutions amendatory thereof.
4. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 6, 2022.

Financial Implications: See report

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

Action: M/S/C (Hahn/Robinson) to suspend the rules and extend the meeting to 11:10 p.m.

Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 4 speakers.

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

Vote: All Ayes.

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

1. Adopt first reading of Ordinance No. 7,845–N.S. as revised in the Supplemental Communications Packet #3 by the Fire Department. Second reading scheduled for December 6, 2022.
2. Adopt Resolution No. 70,611–N.S. (Finding of Local Conditions) as revised in the Supplemental Communications Packet #3 by the Fire Department.
3. Adopt Resolution No. 70,612–N.S. (Fees)
4. Approve the recommendation.

Vote: All Ayes.

Action Calendar – Public Hearings

24. Implement Residential Preferential Parking (RPP) Program on the 1900 Block of Vine Street and the 3000 Block of Martin Luther King Jr. Way

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25E and Section 25M by adding a subsection to implement Residential Preferential Parking (RPP) on both sides of the 1900 Block of Vine Street in RPP Area E and the west side of the 3000 Block of Martin Luther King Jr. Way in RPP Area M.

Financial Implications: See report.

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

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

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

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

Councilmember Taplin absent 8:25 p.m. – 8:34 p.m.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,613–N.S.

Vote: All Ayes.

Action Calendar – New Business

25. Update on BPD efforts related to the Improving Hate Crimes Reporting and Response Referral

From: City Manager

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

Action: M/S/C (Arreguin/Harrison) to continue Item 25 to December 6, 2022.

Vote: All Ayes.

Action Calendar – Continued Business – Public Hearings

- A. **ZAB Appeal: 2018 Blake Street, Use Permit #ZP2021-0095** *(Continued from November 3, 2022)* *(Item contains supplemental material)*

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. 13 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,614–N.S. 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, and dismiss the appeal, with the revised Findings and Conditions in the supplemental material included with the item from the Planning and Development Department, and further revised to add a condition of approval requiring an on-site manager. Staff is authorized to draft the condition of approval requiring an on-site manager to reflect Council's direction.

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

- B. **ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001** *(Continued from November 3, 2022)*

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 #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 11 speakers.

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

Vote: All Ayes.

Action: M/S/C (Droste/Kesarwani) to adopt Resolution No. 70,615–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

Vote: All Ayes.

Information Reports

26. **LPO NOD: 2119 Marin Avenue/#LMIN2022-0002**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
27. **LPO NOD: 1325 Arch Street/#LMSAP2022-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
28. **LPO NOD: 2081 Center Street/#LMSAP2022-0006**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
29. **LPO NOD: 2109 Kala Bagai Way/#LMSAP2022-0008**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 23 speakers.

Adjournment

Adjourned at 11:10 p.m.

Communications

Adeline Street Redesign

1. Pablo Diaz-Gutierrez
2. Jane Scantlebury
3. Tommaso Sciortino
4. Teresa Clarke
5. Abbie Turiansky
6. John Givens
7. Jeffrey Wescott
8. Laura Stevens
9. Sabina McMurtry
10. Nat Kane

All-Day All-Night Festival Noise

11. Kelly Zito

State Required Housing – RHNA Housing Allocation

12. Margaret Pritt

Catalytic Converter Crime

13. Karl Reeh

Energy Efficient Holidays

14. Christopher La Combe

RHS

15. Anna Avellar

Hopkins Corridor

16. Todd Andrew

17. Margot Smith

18. Luther Miller

19. Evelyn Larsen

20. Meg and Dan Holm

21. Joshua Bloom

22. David Kessler

23. Lisa Oglesby

24. Commission on Aging

Measure L

25. Finance Department (2)

26. Justin Lee

COVID-19 Masking Policies

27. Rainbow Rubin

UC Berkeley Safety Concerns

28. Maria Rosino-Miracco

Hearst Garden/Cottages at 1155-1173 Hearst Avenue

29. Tracey Emerson

30. Dale Anania

Housing Element

31. Janis Ching

32. Richard Illgen

33. Rahel Smith

34. Natalie Hanson

35. 18 similarly-worded form letters

Middle Housing

36. Kyle Scott

Live Transcription

37. Max Ventura

38. Margot Smith

People's Park

39. Holly Scott Cayce

40. Marc Sapir

41. Dale Alexander

5G Forests

42. Vivian Warkentin

Phone Bank Lists

43. Samuel Kim, on behalf of Racial Justice and Advocacy Program

1600 Block Woolsey Health and Safety Issues

44. Joshua Landerfelt (2)

Native Landscaping – Less-Thirsty

45. Franziska Raedeker

Codornices Creek Issue

46. Friends of Five Creeks (2)

47. Peter Radu, on behalf of Neighborhood Services

1201-1205 San Pablo Avenue

48. Reed Schwartz

49. Tony Benado

Parking Ticket

50. Dawn Howard

2065 Kittredge Street – Appeal Use Permit #ZP2021-0193

51. Alisha Pember, on behalf of Adams Broadwell Joseph and Cardozo

Crime in Berkeley

52. Tony Benado

53. Alexander Merenkov

Segregation in Berkeley Persists

54. Aimee Baldwin

Neighborhood Noise

55. Paola Bacchetta

AT&T Box Safety Hazard

56. Immanuel Buder

Supplemental Communications and Reports 1

Item #2: Appointment of the Chief of Police

- 57. Janice Schroeder
- 58. Diana Bohn

Supplemental Communications and Reports 2

Item #2: Appointment of the Chief of Police

- 59. Margaret Fine
- 60. Diana Bohn (3)
- 61. Phoebe Thomas Sorgen
- 62. Andrea Pritchett
- 63. Kate Lauer
- 64. Paola Laverde
- 65. Rivka Polatnick
- 66. Meghan Schwartz
- 67. Elana Auerbach
- 68. Carole Marasovic
- 69. Cecilia Lunaparra
- 70. Caleb Dawson
- 71. Jorie Heilman
- 72. Mary-Lee Smith
- 73. Jonathan Garvin
- 74. Portia Lewis
- 75. Steve Martinot

Item 21: Budget Referral: Closing the Southside Complete Streets Funding Gap

- 76. Chuck Siegel

Item #22: Referral: Establishing an Electric Bike Rebate Program and Expanding Low-Income E-Bike Ownership through the Climate Equity Action Fund

- 77. Tom Lent, on behalf of Walk Bike Berkeley

Supplemental Communications and Reports 3

Item #2: Appointment of the Chief of Police

- 78. Catherine Huchting
- 79. Max Ventura
- 80. Moni Law (2)
- 81. Janice Schroeder
- 82. Mansour Id-Deen
- 83. Julia Cato
- 84. Ariana Thompson-Lastad
- 85. Linda Franklin
- 86. Janet Madilon
- 87. Berkeley Progressive Alliance
- 88. Michael Lerner

- 89. Hansel Alejandro Aguilar, Director of Police Accountability
- 90. Brendon Wood, Alameda County Public Defender
- 91. Anne-Lise Francois
- 92. Michai Freeman
- 93. Chrissy Hoffman
- 94. Mike Iziksun
- 95. Lynn Cooper

Item #19: Adopt an Ordinance Adding a Chapter 11.62 to the Berkeley Municipal Code to Regulate the Use of Carryout and Produce Bags and Promote the Use of Reusable Bags

- 96. Bryce Nesbitt
- 97. Prab Rai, on behalf of CALPIRG Students

Item #20: The Berkeley Baby Book Project: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

- 98. Seena Hawley

Item 23: Adoption of the 2022 California Fire Code with Local Amendments

- 99. Revised material, submitted by the Fire Department
- 100. Presentation, submitted by the Fire Department

Item #B: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001

- 101. Presentation, submitted by the Planning and Development Department

Urgent Items

Resolution and Letter in Support of UC Academic Workers' Ongoing Contract Negotiations and Strike Actions

- 102. Urgent item, submitted by Councilmember Robinson

Budget Referral: Berkeley Junior Jackets Fields Use Expenses

- 103. Urgent item, submitted by Councilmember Taplin