

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 31, 2023
6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION

For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.

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*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 076 1302**. 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: 6:43 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: None

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.*

Report from Closed Session

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ835942.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ3710721.

Ceremonial Matters:

1. Presentation: Bay Area Community Land Trust (BACLT)
2. Adjourned in memory of James Reagan, Community Activist
3. Recognizing the Berkeley Maktab Tarighat Oveyssi (M.T.O.) Shahmaghsoudi Center

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Consent Calendar

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

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

Vote: All Ayes.

Recess Items

- 1. Contract No. 32200036 Amendment: Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to modify the sole source contract (Contract No. 32200036) and any amendments with the Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley, to distribute one-twelfth of annual Berkeley Transient Occupancy Tax funds to support tourism marketing and promotion for the period from July 1, 2020 through June 30, 2023.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 70,670–N.S.
- 2. Contract No. 100692-3 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 100692-3 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$500,000 for a total not to exceed amount of \$2,000,000 while the contract expiration will remain June 30, 2025.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 70,671–N.S.

Consent Calendar

3. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at building 1718 8th Street, at James Kenney Park

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,852-N.S. authorizing the City Manager to execute a lease agreement with Bay Area Hispano Institute for Advancement (BAHIA) to use the building at 1718 8th Street, adjacent to James Kenney Community Center, in James Kenney Park for a 15-year lease term anticipated to begin March 1, 2023 and ending February 1, 2038, with one 5-year option to renew.

First Reading Vote: All Ayes.

Financial Implications: See report.

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

Action: Adopted second reading of Ordinance No. 7,852–N.S.

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

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, and December 13, 2022.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,672–N.S.

Consent Calendar

5. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

From: City Manager

Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, November 29, 2022, December 13, 2022, and January 10, 2023.

Financial Implications: To be determined

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

Action: Adopted Resolution No. 70,673–N.S.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 31, 2023

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 - \$33,541,532

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

Action: Approved recommendation.

7. Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents of Berkeley's Very High Fire Hazard Severity Zone

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to \$5 Million to implement a vegetation management program for residents of Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ). Grant funds will be used to develop and deliver public education materials explaining the inspection process and the importance of creating defensible space, assist residents in need of financial assistance to remove vegetation to meet state and local codes, enhance the chipper program, and fund a 3rd party administrator to manage applications and contractor pay schedules.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,674–N.S.

Consent Calendar

- 8. Contract No. 32000202 Amendment: Berkeley Food & Housing Project for Rental Subsidy for the Russell Street Residence**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000202 with Berkeley Food & Housing Project (BFHP) to provide rental subsidies for the Russell Street Residence through June 30, 2023 in an amount not to exceed \$3,400,640. This will extend the existing contract by one year and add \$576,616 in funding.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,675–N.S.
- 9. Contract: AppleOne Employment Services for Temporary Staffing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with AppleOne Employment Services for Temporary Staffing Services, in the amount of \$250,000 for the period of February 1, 2023 through July 31, 2023.
Financial Implications: General Fund - \$250,000
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,676–N.S.
- 10. Contract No. 32000118 Amendment: Nexgen Asset and Work Order Management Software Maintenance and Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000118 with Nexgen Asset Management to provide additional funding for software maintenance, training and professional services for software enhancements, increasing the amount by \$689,400, for a total not-to-exceed amount of \$1,706,909 through June 30, 2024.
Financial Implications: Various Funds - \$689,400
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,677–N.S.
- 11. AHEAD, Inc: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, Inc. ("AHEAD") for the purchase of additional Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$186,610 for a total amount not-to-exceed \$422,915 and the period beginning January 31, 2023 through December 21, 2023.
Financial Implications: Cost Allocation Fund - \$186,610
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 70,678–N.S.

Consent Calendar

- 12. Contract No. 32200183 Amendment: Western Water Features Inc. for the Electrical Renovations at King Swim Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200183 with Western Water Features, Inc. for the electrical renovations at King Swim Center, increasing the contract amount by \$90,000 for a total not to exceed amount of \$1,100,000.
Financial Implications: CIP Fund - \$90,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,679–N.S.
- 13. Contract: California Constructores for Grove Park Field and Playground Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Grove Park Field and Playground Renovation Project, Specification No. 22-11538-C; and 2. Accepting the correction of the sum of bid items for California Constructores' bid; and 3. Accepting the bid of the lowest responsive and responsible bidder, California Constructores; and 4. 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, with California Constructores, for the Grove Park Field and Playground Renovation Project at 2828 Martin Luther King Jr. Way, Berkeley, CA 94703, in an amount not to exceed \$2,483,865, which includes a contract amount consisting of the base bid plus one additive alternate of \$2,159,883 and a 15% contingency in the amount of \$323,982.
Financial Implications: Various Funds - \$2,483,865
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,680–N.S.
- 14. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Review Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$1,000,000 to a new total of \$2,000,000, for additional services related to the review of land use permit applications and environmental review.
Financial Implications: See report
Contact: Alene Pearson, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 70,681–N.S.

Consent Calendar

**15. Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2023 Project
From: City Manager**

Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Urgent Sewer Repair FY2023 Project, located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,490,427, which includes a 10% contingency of \$135,493.

Financial Implications: See report

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

Action: Adopted Resolution No. 70,682–N.S.

**16. Contract: Bay Pacific Pipeline, Inc. for Hearst, et al. FY2023 Sanitary Sewer Rehabilitation Project
From: City Manager**

Recommendation: Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Project, located on Hearst Avenue, Scenic Avenue, Euclid Avenue, Le Conte Avenue, Arch Street, Cedar Street, La Loma Avenue, Le Roy Avenue, Piedmont Avenue, Kelsey Street, Palm Court, Russell Street and Backline, Avalon Avenue Backline, Belrose Avenue Backline, University Avenue, Alvarado Road, and Roble Road Backline; 2) accepting the bid of the lowest responsive and responsible bidder, Bay Pacific Pipeline, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,417,421, which includes a 10% contingency of \$401,584.

Financial Implications: Sanitary Sewer Fund - \$4,417,421

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

Action: Adopted Resolution No. 70,683–N.S.

17. *Item Removed from the Agenda by the City Manager*** Authorize a Funding Agreement with AC Transit to supplement the Quick-Build Durant Transit Lane Project
From: City Manager**

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

Consent Calendar

18. Contract: Gruendl Inc. DBA Ray's Electric for Martin Luther King Jr. Way Vision Zero Quick Build Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Martin Luther King Jr. Way Vision Zero Quick Build Project, (Project), Specification No. 23-11554-C; 2. Accept the bid of Gruendl Inc. Doing Business As (DBA) Ray's Electric, the lowest responsive and responsible bidder; and 3. Authorize the City Manager to execute a contract with Gruendl Inc. DBA Ray's Electric and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$1,663,900, which includes a contingency of ten percent for unforeseen circumstances.

Financial Implications: Various Funds - \$1,663,900

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

Action: Adopted Resolution No. 70,684–N.S.

19. Contract: Andes Construction, Inc. for FY2023 Sanitary Sewer Rehabilitation Parnassus Rd, et al. Project

From: City Manager

Recommendation: Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Rehabilitation Parnassus Road Project, et al. Project located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,444,006, which includes a 10% contingency of \$404,001.

Financial Implications: Sanitary Sewer Fund - \$4,444,006

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

Action: Adopted Resolution No. 70,685–N.S.

Council Consent Items

20. Parking/Towing Fines & Fees Reform *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

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

Recommendation:

1. Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.

2. Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a. Expand eligibility for the City's parking citations indigent payment plan to encompass

Council Consent Items

households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b. Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.

3. Refer to the City Manager to: a. Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b. Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income. c. Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d. Look at simplification of payment plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e. Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.

4. Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.

Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's substitute recommendations as follows:

(1) Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.

(2) Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a) Expand eligibility for the City's parking citations indigent payment plan to encompass households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b) Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.

(3) Refer to the City Manager to: a) Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b) Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income (if at 30% AMI, pay 30% of fee, if at 50%, pay 50% of fee, etc.). c) Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d) Look at simplification of payment

Council Consent Items

plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e) Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.

(4) Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.

Financial Implications: See report

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

Action: Adopt the recommendation of the Health, Life Enrichment, Equity & Community Committee to: 1. Adopt first reading of Ordinance No. 7,854–N.S. Second reading scheduled for February 14, 2023. 2. Approve recommendation.

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

Recess: 8:43 p.m. – 8:58 p.m.

Action Calendar – Public Hearings

21. ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 12 speakers.

M/S/C (Hahn/Taplin) to close the public hearing.

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

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,686–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal, with the Project Plans, received September 1, 2022 (Exhibit B), EIR Addendum for 2065 Kittredge Mixed-Use (Exhibit C), and Supplemental Analysis Memorandum to EIR Addendum, dated September 8, 2022 (Exhibit D) in the supplemental material in the

Action Calendar – Public Hearings

Supplemental Communications Packet #2 from the Planning and Development Department, and revising the Findings and Conditions to add the following language:

1. The applicant shall evaluate the feasibility of implementing one or more of the following workforce programs for construction of the Project, but is not required to implement any said program:

a. Participate in a joint labor-management apprenticeship program for each trade engaged in construction of the Project;

b. Participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of thirty (30) apprentices annually for the five (5) years immediately preceding the Covered Project. The applicant will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the project; or

c. Make and require its subcontractors to make hourly contributions to the California Apprenticeship Council (“CAC”) for every apprenticeable craft hour worked on the Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.

d. The applicant shall evaluate the feasibility of making Health Care Expenditures of twenty (20) percent to or on behalf of each construction worker working on the Project in addition to their regular hourly wages during the period of employment. The Health Care Expenditures may be made to a health plan in which the construction worker is enrolled, to the construction worker’s health savings account, and/or to the construction worker in the form of cash.

Prior to the issuance of a certificate of occupancy, the applicant shall submit a report to the City Manager all steps taken to comply with this condition, as well as the results of the applicant’s feasibility evaluation, and which, if any, program is implemented for the Project, whether Health Care Expenditures are implemented for the Project, and the number of construction worker recipients of Health Care Expenditures for the Project.

2. The applicant shall make a good faith effort to attempt to meet a thirty (30) percent goal of all workers on the Project construction site be residents of living within ten (10) miles of the Project site and that, if the applicant fails to achieve such goal, documentation showing good faith efforts made to achieve the goal must be furnished to the City of Berkeley. This paragraph does not negate the requirement by the applicant to meet any other applicable requirements required by law.

3. The applicant shall, before obtaining a certificate of occupancy for the Project, furnish an affidavit to the City of Berkeley disclosing the number of union workers for each craft, apprentices, contractors, contractors’ business addresses, number of local workers living within ten (10) miles of the Project site, and Berkeley residents working on the construction workforce for the Project.

Vote: All Ayes.

Council Action Items

- 22. Resolution Authorizing Regional Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities**
From: Mayor Arreguin (Author)
Recommendation: Adopt a resolution authorizing the City of Berkeley to request an allocation of Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Moved to the Consent Calendar. Adopted Resolution No. 70,687–N.S.
- 23. Outcomes Based Funding, Pay-For-Success and Social Impact Bonds**
(Reviewed by the Budget & Finance Committee)
From: Councilmember Bartlett (Author)
Recommendation: Qualified Positive Recommendation from the Berkeley City Council Budget & Finance Committee to:
Refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only
Policy Committee Recommendation: Send the item to the City Council with a Qualified Positive Recommendation to refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Moved to the Consent Calendar. Adopted the recommendation of the Budget & Finance Committee.

Council Action Items

24. **Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee** *(Reviewed by the Agenda & Rules Committee)*

From: Councilmember Hahn (Author)

Recommendation: That the City Council sets the following deadline: In order to be considered for the June 2023 budget process, Policy Committee Track items (as defined in the City Council Rules of Procedure and Order) that have potential budget implications must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than at the March 6, 2023 meeting (setting the Agenda for the March 21, 2023 Regular Meeting of the City Council).

Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation that in order to be considered for the budget process that will take place in June 2023, policy committee track items (as defined in the City Council Rules of Procedure), that have the potential for budget implications, must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than its March 6, 2023 meeting.

Financial Implications: See report

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

Action: Moved to the Consent Calendar. Adopted the recommendation of the Agenda & Rules Committee, revised to change the deadline to the April 10, 2023 meeting of the Agenda & Rules Committee.

Information Reports

25. **Updated Sanctuary City Contracting Compliance Report for FY 2021**

From: City Manager

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

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - None.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:53 p.m.

Communications

Warming Centers

1. Stephanie Hung
2. Moni Law
3. Enrique Marisol

4. Laura Cornwall
5. Clara Donovan
6. Lisa Teague
7. Melissa Tomlinson
8. Patty Yao

World Housing Crisis

9. Michelle LePaule

Emergency Batteries During Hill Fires

10. Mary Behm Steinberg

Stuart Street Repair

11. Toby St. John

City of Berkeley Hiring Practices

12. Elana Auerbach

Berkeley Police Department Matters

13. John White
14. Friends of Adeline

People's Park

15. Sandra Morey

TOPA (Tenant's Opportunity to Purchase Act)

16. Nicholas Heller

Turtle Island Monument

17. Corrina Gould, on behalf of Confederated Villages of Lisjan Nation
18. Jennifer Lovvorn, on behalf of the Civic Arts Program

Visuals for Zoom Meetings

19. Bryce Nesbitt

BUSD Achievement Gap

20. Barbara Gilbert

Crime in Berkeley

21. Ernie Mansfield
22. Eric Friedman

IKE Kiosks

23. Verna Winters

Demolition Ordinance

24. Rafa Sonnenfeld

Youth Representation on Berkeley's Environmental & Climate Commission

25. Alfred Twu

26. Jasmine Moreira Cortes

27. Liza Lutzker

28.21 similarly-worded form letters

Earthquake Zones

29. Kelly Hammargren

URL's Only

30. Vivian Warkentin (2)

Supplemental Communications and Reports 1

Item #20: Parking/Towing Fines & Fees Reform

31. Eric Friedman

Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

32. Courtney Welch, on behalf of the California Housing Defense Fund

Supplemental Communications and Reports 2

Item #2: Contract No.100692-3 Amendment: Serological Research Institute for DNA Testing Services

33. Elana Auerbach

Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

34. Supplemental material, submitted by Planning and Development

Supplemental Communications and Reports 3

Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

35. Presentation, submitted by Planning and Development

36. Presentation, submitted by Applicant CA Ventures

37. Alisha Pember, on behalf of Adams Broadwell Joseph & Cardozo

38. Todd Williams, on behalf of Fennemore Wendel Law

39. Adam Masters

40. Unknown

Ceremonial Calendar

41. Presentation, submitted by Bay Area Community Land Trust