ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING

Tuesday, April 11, 2023 6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For inperson attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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

Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <u>https://cityofberkeley-info.zoomgov.com/j/1606544287</u>. 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 **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 654 4287**. 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 <u>council@cityofberkeley.info</u>.

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

Preliminary Matters

Roll Call: 6:07 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 6:10 p.m.

Councilmember Kesarwani present at 6:25 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 Tom Dalzell, Local Author
- 2. Recognition of Armenian Genocide Remembrance Day, April 24, 2023
- 3. Recognition of Holocaust Remembrance Day, April 16, 2023
- 4. Adjourned in memory of Daniel Waldmen, Local Architect
- 5. Adjourned in memory of Karen Hemphill, former Berkeley Unified School District Board Member

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Declaring Daniel Ellsberg Week.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Humbert pursuant to Government Code Section 54954.2(b)(2) entitled Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs). **Vote:** All Ayes.

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

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

Urgent Item: Declaring Daniel Ellsberg Week From: Councilmember Hahn (Author)

Recommendation: Adopt a Resolution declaring April 24-30, 2023 as Daniel Ellsberg Week.

Financial Implications: None.

Contact: Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150 **Action:** Mayor Arreguin, and Councilmembers Harrison and Humbert added as cosponsors. Adopted Resolution No. 70,752–N.S.

Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs) From: Councilmember Humbert (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor) Recommendation: Send a letter to Assemblymembers Friedman and Wicks in support of AB 645 (Friedman) and requesting that Berkeley be added to the list of cities the bill would authorize to establish a Speed Safety System Pilot Program.

Financial Implications: Staff time

Contact: Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180 **Action:** Approved recommendation.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of February 14 (regular), February 21 (special), February 27 (closed and special), February 28 (special and regular), March 13 (closed), March 14 (special and regular), March 20 (special) and March 21 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900 **Action:** Approved the minutes as submitted.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 11, 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: General Fund - \$120,000 Contact: Henry Oyekanmi, Finance, (510) 981-7300 **Action:** Approved recommendation.

3. Contract No. 31900273 Amendment: Bay Area Community Services North County Housing Resource Center From: City Manager

Recommendation: Adopt a Resolution amending Contract No. 31900273 with Bay Area Community Services (BACS) North County Housing Resource Center (HRC) by increasing the not to exceed amount (NTE) by \$80,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$11,410,274 to \$11,490,274. **Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,753–N.S.

4. Contract: JSI Research & Training Institute, Inc. for Community Health Assessment, Innovation, and Improvement Plan Consultant From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with JSI Research & Training Institute, Inc. to serve as a Community Health Assessment, Innovation, and Improvement Plan consultant for the City of Berkeley's Health, Housing, and Community Services (HHCS) Department from May 1, 2023 to May 1, 2025 in an amount not to exceed \$249,413. **Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,754–N.S.

5. Contract: Easy Does It for Provision of Wheelchair Van Service for Seniors & the Disabled

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager, or her designee, to execute a contract and any amendments with Easy Does It in the amount of \$175,000 for the period of July 1, 2023 through June 30, 2026 for the provision of accessible wheelchair van services to clients of the Aging Services Division's Berkeley Rides for Seniors & the Disabled program.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,755–N.S.

6. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$150,000, with a contract end date of June 30, 2024.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400 **Action:** Adopted Resolution No. 70,756–N.S.

7. Contract No. 32000224 Amendment: GovtInvest Labor Costing, Pension & OPEB Analysis Software

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000224 with GovInvest for a labor costing, pension and OPEB (Other Post-Employment Benefits) analysis software system, increasing the amount of the contract by \$150,000 to cover 3 years of subscription access to this service for a revised total contract amount not to exceed \$200,000. **Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800 **Action:** Adopted Resolution No. 70,757–N.S.

8. Side Letter of Agreement – Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association 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 Community Services & Part-Time Recreation Leaders Association (PTRLA) to modify Section 15.6 of the Memorandum of Agreement regarding Hazardous Substance Special Assignment Pay. Effective July 7, 2022, employees who are regularly assigned to perform services in unhoused settings throughout the service area shall receive a three percent (3%) salary differential to their base pay for all actual hours worked in the field and performing duties in unhoused settings. This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800 **Action:** Adopted Resolution No. 70,758–N.S.

9. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Additional Website Maintenance and Support From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$105,000 and a total contract value not-to-exceed \$674,300 from March 1, 2019 to June 30, 2025.

Financial Implications: See report

Contact: Kevin Fong, Information Technology, (510) 981-6500 **Action:** Adopted Resolution No. 70,759–N.S.

10. Donation: Memorial Bench at the Berkeley Marina in memory of Sophia Pritzos From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Sophia Pritzos.

Financial Implications: \$3,400 (Donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700 **Action:** Adopted Resolution No. 70,760–N.S.

11. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp (CPAC), at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.

Financial Implications: Measure T1 Fund - \$400,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700 **Action:** Adopt first reading of Ordinance No. 7,858–N.S. Second reading scheduled for April 25, 2023.

12. Contract: Power Engineering Construction for the Selective Timber Pile Replacement Project at the Berkeley Marina From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Selective Pile Replacement Project (Bid Specification No. 23-11567-C); and 2. Accepting the bid of Power Engineering Construction as the lowest responsive and responsible bidder on the Project; 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, with Power Engineering Construction, for the Berkeley Selective Piling Replacement Project, in an amount not to exceed \$3,175,000, which includes a contract amount consisting of base bid plus allowance of \$2,710,690 and a 17.13% contingency in the amount of \$464,310.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700 **Action:** Adopted Resolution No. 70,761–N.S.

13. Contract No. 10785 Amendment: West Coast Arborist, Inc for Tree Removal and Pruning Service

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$100,000 for a not-to-exceed amount of \$1,290,000.

Financial Implications: 2023 Parks Tax Fund - \$1,290,000 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700 **Action:** Adopted Resolution No. 70,762–N.S.

14. Accept Grant Funding From the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award Program From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to accept the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award. The total funding awarded to the Berkeley Police Department is \$106,014 for the period July 1, 2022, to December 1, 2025. Funds for the grant will be used to enhance officer wellness and resilience by providing mental health resources.

Financial Implications: See report Contact: Jennifer Louis, Police, (510) 981-5900 **Action:** Adopted Resolution No. 70,763–N.S.

15. Support March 21, 2023 Day of Action Urging Banks to Divest from Fossil Fuel Businesses

From: Peace and Justice Commission

Recommendation: Adopt a Resolution that the City of Berkeley Council support the Tuesday March 21, 2023 nation-wide day of action to tell banks to divest from fossil fuel projects, and encourages Berkeley's residents to support and participate in local actions on that date.

Financial Implications: None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100 **Action:** Adopted Resolution No. 70,764–N.S.

16a. Allocation of \$3 Million Over Two Years, FY 2024 and FY 2025, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

(Reviewed by the Budget and Finance Policy Committee)

From: Sugar Sweetened Beverage Product Panel of Experts **Recommendation:** Adopt a Resolution allocating \$3 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY24 and FY25. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as pay certain City of Berkeley Finance Department costs related to the sugary drink tax.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

Financial Implications: See report

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400 **Action:** See action for Item 16b.

16b. Companion Report: Allocation of \$3 Million Over Two Years, FY24 and FY25, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs). (Reviewed by the Budget and Finance Policy Committee)

From: City Manager

Recommendation: Adopt a Resolution allocating \$2 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$2 million will be distributed in two installments of \$1 million per year for FY24 and FY25. The funds will be distributed as follows: a. Direct the City Manager to award up to \$712,000 of the allocated funds to Berkeley Unified School District (BUSD) for the period, July 1, 2023 to June 30, 2025 through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least \$712,000 of the allocated funds for the period, July 1, 2023 to June 30, 2025 through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. For the period, July 1, 2023 to June 30, 2025, direct the City Manager to allocate \$125,000 to fund Finance Department costs for staffing and MuniServices fees and \$451,000 to HHCS/PHD for staffing, operating and consulting costs to coordinate and monitor the grant process, manage resulting contracts awarded, support activities aligned with the goal of the sugary beverage tax, including the Healthy Retail Checkout ordinance, and provide an annual presentation to the SSBPPE Commission that includes process and outcome data and updates on Finance Department fees related to the sugary drink tax for the SSBPPE Commission to inform the development of the Commission's annual report. d. Carryover any sugary drink tax revenue received in excess of \$2 million during FY24 and FY25 to be awarded for related services in FY25 – FY27.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 70,765–N.S. as recommended by the Budget and Finance Committee to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

- 17. Support AB 40 Improving Ambulance Patient Offload Times From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor) Recommendation: Adopt a Resolution in support of AB 40 (Rodriguez), which develops a 20-minute statewide standard for ambulance patient offload times. Send a copy of the Resolution to Assemblymembers Freddie Rodriguez and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom. Financial Implications: None Contact: Jesse Arreguin, Mayor, (510) 981-7100 Action: Adopted Resolution No. 70,766–N.S.
- 18. Resolution to Support AB 1001 From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Recommendation: Adopt a Resolution in support of Assembly Bill 1001, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.

Financial Implications: See report Contact: Jesse Arreguin, Mayor, (510) 981-7100 **Action:** Adopted Resolution No. 70,767–N.S.

19. Establishment of Fred Ross Memorial Bench in Cesar Chavez Park From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution directing the City Manager to work with the family of the late Fred Ross Jr. to dedicate a memorial bench at the west facing edge of Cesar Chavez Park in his honor. The family of Fred Ross Jr. shall be responsible for the cost of the bench and shall be engaged in determining the location of the bench.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100 Action: Adopted Resolution No. 70,768–N.S.

20. Support for AB 1690 (Universal health care coverage)

From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor),
Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) in
support of AB 1690 (Universal health care coverage).
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.

- 21. Support for AB 362 (Land value taxation study) From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor) Recommendation: Send a letter to Assemblymember Alex Lee (D-San Jose) in support of AB 362 (Land value taxation study). Financial Implications: See report Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120 Action: Councilmember Robinson added as a co-sponsor. Approved recommendation.
- 22. Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media

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

Recommendation: Refer \$54,000 to the June, 2023 budget Process to increase personnel funding for Berkeley Community Media (BCM), advancing two current part time employees to full time.

Financial Implications: \$54,000

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Approved recommendation.

- 23. Referral to the June 2023 Budget Process for Funding Harold Way Placemaking Project Schematic Design From: Councilmember Harrison (Author) Recommendation: Refer \$100,000 to the June 2023 Budget Process to fund Harold Way Placemaking Project Schematic Design. Financial Implications: See report Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 Action: Approved recommendation.
- 24. Referral to the June 2023 Budget Process as a sole source procurement contract for Two Full-Time Social Workers for Social Justice Collaborative From: Councilmember Harrison (Author)

Recommendation: Refer \$147,000 to the June 2023 Budget Process as a sole source procurement contract for annual staffing costs associated with funding two social workers to provide low-income immigrants, asylum seekers, unaccompanied children, young dreamers, and displaced families with direct legal services and legal representation.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation. **Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – None.

25. Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System

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

Recommendation: Refer \$100,000 to the June, 2023 Budget Process to enter into a contract to design and assist with implementing a comprehensive Berkeley Police Department Early Intervention and Risk Management System to provide necessary data and help in implementing fair and impartial policing policies and public safety reimagining.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Mayor Arreguin and Councilmember Robinson added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Harrison.

26. Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevention of Displacement from Multi-Family Housing

From: Councilmember Harrison (Author)

Recommendation: Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, investments related to the Empty Homes Tax, and administrative implementation of the proposed Berkeley Community and Tenant and Opportunity to Purchase Act (COPA/TOPA).

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Moved to Action Calendar. 24 speakers. Councilmember Bartlett added as a co-sponsor. M/S/C (Harrison/Arreguin) to approve the recommendation revised to read as follows:

Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, and implementation of other programs to allow purchases by the city, non-profits and or residents to maintain affordability:

Community Development Project Coordination for acquisition capacity of 3-6 additional projects per year (HHCS)	1.5 FTE - \$318,915*
	*Includes \$4,500 to support office, technology, and training needs
Community Development Project Coordination	0.5 FTE - \$108,088
Deputy City Attorney II	0.35 FTE - \$101,884
Qualified Organization Capacity Support for two additional projects per year (in addition to existing allocation of \$100,000 to the Bay Area Community Land Trust)	\$50,000

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m. **Vote:** All Ayes.

27. Relinquishment of Council Office Budget Funds to Grant Downtown Berkeley Association (DBA) \$500 for 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose.

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

Recommendation: Adopt a Resolution approving the expenditure to grant Downtown Berkeley Association (DBA) \$500 for the 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund.

Financial Implications: See report Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Adopted Resolution No. 70,769–N.S.

28. Resolution in Support of AB 641: Automobile dismantlers: catalytic converters From: Councilmember Harrison (Author)

Recommendation: Adopt Resolution in support of AB 641, Automobile dismantlers: catalytic converters, amending Section 220 of the Vehicle Code to revise and expand the definition of "automobile dismantler" to include individuals illegally in possession of two or more catalytic converters.

Financial Implications: Staff time

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** Adopted Resolution No. 70,770–N.S.

29. Proclaiming May as Jewish American Heritage Month

From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor) Recommendation: Adopt a Resolution proclaiming May as Jewish American Heritage Month.

Financial Implications: None

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150 **Action:** Councilmembers Kesarwani and Taplin added as co-sponsors. Adopted Resolution No. 70,771–N.S.

30. Kala Art Institute 2023 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor) Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2023, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - \$500 Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150 **Action:** Adopted Resolution No. 70,772–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf -\$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$200; Councilmember Humbert - \$100.

31. Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer \$250,000 to the June 2023 budget process to study and report to Council on: 1. The need for Affordable Housing in Berkeley to: a. Rehouse Berkeley's unhoused residents. b. Meet the housing needs of very low-, low- and moderate-income Berkelev residents, from less than 30% to 120% of Area Median Income (AMI). c. Significantly increase cooperative, land trust, and other Social Housing, including innovative social housing models that provide significant moderate-income housing opportunities. d. Meet the needs of low-income artists, seniors, individuals with disabilities, and other populations with unique needs. e. Potentially increase Affordable Housing, up to 100%, at North Berkelev and Ashby Bart Stations, f. Meet the City's Housing Element Affordable Housing production requirements of 5,270 units from 30%-120% AMI in a timely manner, prior to the end of the current RHNA cycle in 2031. 2. Existing and potential new programs to increase homeownership for low-income and first-time homebuyers. 3. Needs/programs to accelerate the City's Small Sites Program. 4. Existing and upcoming funds available at the local, County, Regional, State, and Federal levels to support Berkeley in meeting its Affordable and Social Housing needs and requirements. 5. Berkeley-specific funds required to meet Affordable and Social Housing needs and to produce Berkeley's RHNA-required Affordable Housing, including funds to build capacity at Land Trusts and other organizations to deliver Cooperative and Social Housing. 6. Existing sources and amounts of Funding available to meet Berkeley's Affordable and Social Housing needs and requirements. 7. Potential Bonds or other measures to secure necessary Affordable and Social Housing funds including a potential measure or measures on the November 2024 ballot, based on the success of 2018 Measure O. 8. Added costs of delaying the preservation and construction of Affordable Housing, including potential increased costs for land, financing, and construction, and the yearly/per-individual cost of providing services to Berkeley's unhoused residents. 9. Consequences of failure to meet RHNA Affordable Housing allocations in a timely manner. 10. Potential re-authorization of Measure P in November of 2024 as a permanent measure, to extend additional funding available to support rehousing the homeless. 11. Any other information related to Affordable and Social Housing in Berkeley to help inform residents and the City Council of the need for additional Affordable Housing and Affordable Housing programs and funds, and funds to rehouse the homeless.

Study to be delivered to the City Council no later than December 1, 2023 and to include a plan for Berkeley to meet its Affordable and Social Housing needs and requirements and recommendations for additional funds, programs, and other measures to meet needs over the next decade.

Financial Implications: See report

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

Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Hahn, and further revised to strike the second bullet from the recommendation:

• Potential/needs for Berkeley to achieve 100% affordable projects (up to 120% AMI) at the North Berkeley and Ashby Bart Stations.

32. Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections From: Councilmember Wengraf (Author)

Recommendation: In support of the City's Pedestrian Plan with a vision that, "Berkeley is a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages, and abilities," refer to the Fiscal Year 2024 Budget Process an allocation of \$30,000 to install "YIELD" signs at two unmarked intersections at Shasta and Queens and Quail and Queens.

Financial Implications: \$30,000

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160 **Action:** Approved recommendation.

33. Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network

From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor) Recommendation: In support of the City's goals as stated in the "General Plan," "Local Hazard Mitigation Plan," "Pedestrian Plan," and "Community Wildfire Protection Plan", refer to the Fiscal Year 2024 Budget Process an allocation of \$150,000 for the installation of lighting, handrails and signage on paths deemed most critical for safe evacuation throughout Berkeley.

Financial Implications: \$150,000

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160 **Action:** Approved recommendation.

34. Approval of the Public Bank East Bay Viability Study (*Reviewed by the Budget & Finance Committee*)

From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor) Recommendation: Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank

Policy Committee Recommendation: To send the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170 **Action:** Moved to Action Calendar. 3 speakers. M/S/C (Robinson/Arreguin) to approve the item and adopt Resolution No. 70,773–N.S. (Viability Study), and Resolution No. 70,774–N.S. (Resolution of Intention), as recommended by the Budget & Finance Committee.

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: All Ayes.

35. Budget Referral: Fully fund the City's 50-50 Sidewalk Repair Program From: Councilmember Humbert (Author), Councilmember Robinson (Co-Sponsor)

Recommendation: Refer \$2.2 million to the FY 24 Mid-Biennial Budget Update for the purpose of fully funding clearance of the existing backlog in Berkeley's 50-50 Sidewalk Repair Program. Refer an additional \$1 million per year (above the existing \$1 million baseline funding for sidewalk repair) to future budget processes to ensure all of Berkeley's sidewalks are kept in a state of good repair.

Financial Implications: See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180 **Action:** Councilmembers Wengraf and Bartlett added as co-sponsors. Approved recommendation.

Recess 8:38 p.m. - 8:52 p.m.

Action Calendar – Old Business

36. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone (Continued from March 21, 2023) (Item Contains Revised Material)

From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) Recommendation: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140 **Action:** 0 speakers. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,859–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Harrison. Second reading scheduled for April 25, 2023. **Vote:** All Ayes.

Action Calendar – New Business

37. Unfunded Liability Obligations and Unfunded Infrastructure Needs From: City Manager

Recommendation: That the City Council takes the following actions:

1. Accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report;

2. Receive a presentation on Pensions and Other-Post Employment Benefits tonight and provide staff with direction;

3. Schedule for either the April 25, 2023 City Council Meeting or at a later date to be determined a presentation and discussion on Unfunded Infrastructure Needs.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Arreguin/Hahn) to refer Item 37 to the Agenda & Rules Committee for future scheduling.

Vote: All Ayes.

38a. Recommendation for RV Lot and Waste Management on Streets for RVs From: Homeless Services Panel of Experts

Recommendation: The Homeless Services Panel of Experts recommends to Council that they refer to staff to expedite all efforts to identify a location for another RV lot(s) to take the place of the now closed SPARK lot at 742 Grayson and that the new lot identified require mandatory safety inspections and fire extinguishers to be provided. The Homeless Services Panel of Experts further recommends that Council refer to staff to develop a waste management plan to be implemented for RVs currently on the streets.

Financial Implications: See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action Calendar – New Business

38b. Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs

From: City Manager

Recommendation: Refer the Homeless Services Panel of Experts' recommendation to identify and expedite a new safe RV parking location/program and develop a waste management plan for RVs on the streets to the Budget and Finance Policy Committee for consideration alongside all other homeless services priorities in the budget process.

Financial Implications: See report

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

Action: Item 38b moved to Consent Calendar. Approved recommendation.

39a. Referral of two health educator positions to the COB FY 2024 budget process From: Peace and Justice Commission

Recommendation: Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

Financial Implications: See report

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

39b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process

From: City Manager

Recommendation: Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation. **Financial Implications:** None Contact: Peter Radu, City Manager's Office, (510) 981-7000

Contact. Peter Radu, City Manager's Onice, (510) 901-7000

Action: Item 39b moved to Consent Calendar. Approved recommendation.

Information Reports

40. Environment and Climate Commission 2023 Work Plan From: Environment and Climate Commission Contact: Billi Romain, Commission Secretary, (510) 981-7400 Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 4 speakers.

Adjournment

Adjourned at 11:40 p.m.

Communications

Unhoused Attacking Community Members

- 1. Diana Lui, Creative Director, Asha Tea House
- 2. Sergeant Kevin Kleepe, Community Service Bureau, Special Response Team with City of Berkeley Police Department (2)
- 3. Anna Weinstein

BART Development

- 4. Tom Athanasiou
- 5. Netsy Firestein
- 6. Stephanie Roth
- 7. Gerry Tierney
- 8. Greg Castillo
- 9. Matthew Wadlund
- 10. Pablo Diza-Gutierrez
- 11. Julie Goldobin
- 12. Lee Bishop
- 13. Andrea Horbinski
- 14. Teresa Clarke

Golden Bear Housing

15. Peter Radu, Manager of Neighborhood Service 16. Becca Sullivan

16. Becca Sullivan

Aquatic Park Fish Die-Off

17. Melinda Howard-Herrarte, on behalf of Northern Alameda County Group

Gender Based Domestic Violence

18. Cameron Johnson, on behalf of Homeless Services Panel of Experts

Recycling

19. David Lerman (2) 20. Heather Kay

Fire Evacuation & Emergency Service Routes

21. Margot Smith, on behalf of Commission on Aging

CDC Maternal Mortality Rates 2021

22. Carole Marasovic

Chipper Postcard Mailer 23. David Sprague, Interim Fire Chief

Creating Quiet Zones

24. Amir Gholi

Add Domestic Violence Department Back to Berkeley Police Department

25. Mee345@ (2)

Public Comment at Council Meetings

26. Vivian Warkentin

Support Hybrid Meetings

27. Ardys D.

Garbage Rates

28. Marilyn Kwock 29. Donna Hemmila 30. Robert Lauriston 31. Pamela Michaud 32. Eric Friedman

Fixed Video Surveillance Cameras

33. Hansel Alejandro Aguilar, Director of Police Accountability34. Jen Louis, Interim Police Chief

Senior Centers

35. Eileen Hughes36. Wendy Alfsen37. Jamal Williams

Offer to Present Center Street Greenway

38. Kirstin Miller, on behalf of Ecocity Builders

Harriet Tubman Apartments

39. Moni Law40. Christoverre Kohler

Support for Ebike Rebate & Bike Storage

41. Tom Lent and Liza Lutzker, on behalf of Walk Bike Berkeley

Regulate Pesticides

42. Maya Cohen

Ohlone Greenway at North Berkeley BART

43. Charles Siegel
Golden Gate Fields/Horses
44. Angie Bushby
45. Melissa Mangini
46. Nancy Veerhusen
47. Marisa Menedez

48. Dale A 49. Jennifer Milliken

Residential Vacancy Rates 50. Gregory Kalkanis

Keep Innovations in Berkeley Initiative 51. Wesly Jackson, on behalf of Valitor

Banning the Retail Sale of Animals

52. Laura Ide

People's Park Anniversary Needs Porta-Potties 53. Hali Hammer

Shattuck Avenue Building Heights 54. Larisa Cummings

Berkeley Municipal Code 7.72

55. Narelia

Fraudulent Sale of 1590 Oregon to Avoid Taxes 56. George Wolff

Tibetan National Flag Raising Ceremony

57. Jinpa Tharchin, on behalf of Tibetan Association of Northern California

Berkeley's Mansion Tax

58. Fred Dodsworth

American For Responsible Technology

59. Vivian Warkentin

Restore and Daylight Strawberry Creek

60. Pamela Drake

Trash Pickup at Sweet Green Restaurant

61. Chris Cook

Proclamation for 100 Years of Age Berkeley Resident 62. Berkeley's Mayor Office

Storm Situation Update for March 27 to March 28, 2023 63. Dee Williams-Ridley, City Manager

URL's Only

64. Vivian Warkentin (4) 65. Fred Dodsworth

Supplemental Communications and Reports 1

Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park 66. Louis Freedberg

Item #29: Proclaiming May as Jewish American Heritage Month 67. Eric Friedman

- Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements
- 68. Supplemental material, submitted by Councilmember Hahn

Item #33 & #35: Budget Referrals: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network AND Fully Fund the City's 50-50 Sidewalk Repair Program

- 69. Ken Hecht
- 70. Sandy Young and Timothy Moder
- 71. Hayne Leland
- 72 David Esler
- 73. John Vias

Item #36: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor/Management Conflict in Berkeley Marina Zone

74. Revised material, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #19: Establishment of Fred Ross Memorial Bench in Cesar Chavez Park 75. Margo Feinberg (2)

Item #25: Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System

76. Revised material, submitted by Councilmember Harrison

Item #29: Proclaiming May as Jewish American Heritage Month

77. Melissa Chapman

- Item #31: Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities and Improvements
- 78. Supplemental material, submitted by Councilmember Hahn
- 79. Xavier Johnson

Item #32: Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections 80. John Sterns 81. Arshad (Paku) Khan

Item #33 Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network

82. Tamara Gurin

Urgent Item: Declaring Daniel Ellsberg Week 83. Submitted by Councilmember Hahn

Urgent Item: Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645 (Speed Safety System Pilot Programs) 84. Submitted by Councilmember Humbert

Supplemental Communications and Reports 3

Item 22: Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media

85. Helen Walsh

Item #26: Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevent of Displacement from Multi-Family Housing

86. Igor Tregub, on behalf of CADEM Renters Council

- Item #33: Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network
- 87. Tina de Benedictis
- 88. Kathy Baylor
- 89. Beth Feingold
- 90. Sandra Curtis
- 91. Jacqueline Wilson
- 92. Madeline Jay
- 93. Boseanne Packard
- 94. Carol Hirth
- 95. Michael Travis and Linda Skory
- 96. Nancy Rader
- 97. Charlene Woodcock
- 98. Ednah Beth Friedman
- 99. Robert Dering
- 100. Nancy Rubin
- 101. Phyllis Rothman
- 102. Lizbeth Langston
- 103. Kay Englund
- 104. Nick Gross
- 105. David Hillis
- 106. Wayne Huber

- 107. Chris Samuel
- 108. Monika Mann
- 109. Andrea Foley
- 110. Charles Fleming
- 111. Johan Dowdy
- 112. Sarah Watts
- 113. Judy Krolikowski
- 114. Tamara Gurin
- 115. Elizabeth Crews
- 116. 133 similarly-worded form letters

Item 34: Approval of the Public Bank East Bay Viability Study

- 117. Roger Hallsten
- 118. Kathryn Snowden
- 119. Jenny Wenk
- 120. Laura Klein

Urgent Items

Urgent Item: Declaring Daniel Ellsberg Week

121. Mary Rose

Miscellaneous Items

Current Events

122. Eid