



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, March 21, 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 in-person 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 http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*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 <https://cityofberkeley-info.zoomgov.com/j/1604192052>. 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: **160 419 2052**. 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:

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 Chochochenyo (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: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. 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, December 13, 2022, and January 31, 2023.

Financial Implications: To be determined.

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

2. Designate the Line of Succession for the Director of Emergency Services

From: City Manager

Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an emergency, and rescinding Resolution No. 70,406-N.S.

Financial Implications: None

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

Consent Calendar

- 3. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to expand a NFPA 1582/1583 compliant employee Wellness, Fitness and Human Performance Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$840,000 with a 10% or \$84,000 in matching city funds to expand a National Fire Protection Association (NFPA) 1582/1583 compliant employee Wellness, Fitness and Human Performance Program.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 4. Contract No. 32200156 Amendment: Options Recovery Services for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200156 with Options Recovery Services (Options) to add \$561,917.11 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$1,201,917.11.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 5. Contract No. 32200147 Amendment: Women’s Daytime Drop-In Center for Community Crisis Response Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200147 with Women’s Daytime Drop-In Center (WDDC) to add \$75,600 and extend the term of the Community Crisis Response Services to December 31, 2023 with a not to exceed amount of \$195,600.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Contract No. 32300025 Amendment: Non-Profit Intelligence Partners for Flexible Funding program services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300025 with Non-Profit Intelligence Partners (NPI) to provide Flexible Funding program services through June 30, 2024 in an amount not to exceed \$350,000. This will extend the existing contract by one year and add \$300,000 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

7. **Revenue Agreements: California Department of Public Health Childhood Lead Poisoning Prevention and CalFresh Grants**

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, California Department of Public Health (CDPH), to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements:

1. CDPH: Childhood Lead Poisoning Prevention Program (CLPPP), in the projected total 3-year amount of \$383,455 for FY 2024, FY 2025, and FY 2026.
2. CDPH: CalFresh Healthy Living Program (CalFresh), in the projected amount of \$162,390 each year in FFY 2024, FFY 2025, FFY 2026, for a projected total 3-year amount of \$487,170.

Financial Implications: See report

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

8. **Funding Recommendation and Joint Homekey Application for the University Inn at 1461 University**

From: City Manager

Recommendation: Adopt three resolutions approving the following actions in support of a Homekey program funding allocation by:

1. Reserving up to \$8,500,000 in General Funds received pursuant to Measure P for the University Inn permanent supportive housing project at 1461 University Avenue as proposed by a partnership between Memar Properties (Memar) and Housing Consortium of the East Bay (HCEB).
2. Reserving up to \$1,000,000 in General Funds received pursuant to Measure P for Memar and HCEB to operate the University Inn as an emergency shelter prior to permanent housing conversion.
3. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar and HCEB for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Inn permanent supportive housing project. And, further authorizing the City Manager or her designee to include the issuance date of the Notice of Funding Availability, once available, in the resolution.
4. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.
5. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report.

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

Consent Calendar

9. Amending the Program Year 2021 (PY2021) Annual Action Plan to Accept HOME-American Rescue Plan Funds

From: City Manager

Recommendation: Adopt a Resolution:

1. Amending the PY2021 Annual Action Plan to expend HUD's allocation of HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funds to the City of Berkeley, totaling \$2,735,696, upon HUD's acceptance of the City's Allocation Plan.
2. Allocating up to the allowable 15% (\$410,354) of the HOME-ARP funds for administration and planning, up to the allowable 5% (\$136,785) for nonprofit capacity building, and the remaining 80% (\$2,188,557) to supportive services for the qualifying populations. If the HOME-ARP award amount is modified, the same formulas will be applied for allocating funds.
3. Authorizing the City Manager or her designee to submit the approved PY2021 Annual Action Plan Substantial Amendment to HUD, and accept any resulting agreements, and amendments thereto with HUD.

Financial Implications: See report.

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

10. Salary Range Adjustments: Senior Behavioral Health Clinician, Mental Health Clinical Supervisor, Mental Health Program Supervisor, Assistant Manager of Mental Health Division, and Manager of Mental Health Division

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,997-N.S.

Salary Resolution for Public Employees Union – Local 1 to increase the top step salary of the Senior Behavioral Health Clinician by 0.83%; Mental Health Clinical Supervisor by 4.18%; Mental Health Program Supervisor by 7.33%; Assistant Manager of Mental Health Division by 7.33%; and Manager of Mental Health Division by 1.20%, effective January 14, 2023.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

11. Salary Range Adjustments: Deputy City Manager and Employee Relations Manager Classifications

From: City Manager

Recommendation: Adopt a Resolution to amend Resolution No. 69,998-N.S.

Classification and Salary Resolution for classifications in Representation Unit Z-1 (Confidential and Executive Management Employees) to increase the top step salary of the Deputy City Manager classification from \$277,840.99 to \$291,733.04, and the Employee Relations Manager classification from \$175,026.38 to \$180,065.60 effective January 14, 2023.

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

Consent Calendar

- 12. Contract: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project; and
 2. Accepting the bid of the lowest responsive and responsible bidder, TEROCONS 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, with TEROCONS INC., for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project at 2851 West Bolivar Drive, Berkeley, CA 94710, in an amount not to exceed \$260,312.50 which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50.
- Financial Implications:** Parks Tax Fund - \$260,312.50
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Grant Funding Application for SolarAPP+ integration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application in the amount of \$80,000 to The California Energy Commission, to receive technical assistance to integrate the SolarAPP+ web software to the City of Berkeley Permit Service Center operations, and to accept grant funds and execute a resulting grant agreement.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 14. Contract No. 32100192 Amendment: California Constructores for Sidewalk Repairs FY 2020 Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100192 with California Constructores, increasing the contract amount by \$200,000 for a total not-to-exceed amount of \$2,375,900.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 15. Contract: JV Lucas Paving, Inc. for Street Rehabilitation FY 2023 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 23-11558-C; and 2) accepting the bid of the lowest responsive and responsible bidder, JV Lucas Paving, 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 \$10,203,711.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 16. Purchase Order: Pape Machinery, Inc. for One John Deere 320P Backhoe Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 John Deere 320P Backhoe Loader with Pape Machinery, Inc. in an amount not to exceed \$215,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Purchase Order: Nicholas K Corp dba the Ford Store San Leandro for Eight Ford Interceptor Hybrid Utility Vehicles**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Alameda County bid procedures and authorize the City Manager to execute a purchase order for eight (8) Ford Interceptor Utility Hybrid vehicles with Nicholas K Corp dba the Ford Store San Leandro in an amount not to exceed \$496,454.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 18. Referral Response: Grant Program for Retaining and Improving Creative Spaces**
From: Civic Arts Commission
Recommendation: Referral to the FY 2024 Budget Process an annual allocation of \$300,000 for funding the Civic Arts program to administer an annual Capital Projects Grant Program for Berkeley-based nonprofit arts and cultural organizations in order to retain and sustain the vitality of Berkeley's arts sector through real estate and capital project support.
Financial Implications: See report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Council Consent Items

19. **Budget Referral: Post COVID-19 Rental Assistance/Anti-Displacement**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)

Recommendation: Refer \$2,000,000 to the FY 2024/June Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants due to the COVID-19 eviction moratorium expiration and rent debt due to inflation and rental increases. The proposed funding source is FY 2023-2024 Measure P tax receipts.

Financial Implications: See report

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

20. **City Co-Sponsorship of Bioneers Conference and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a resolution memorializing City of Berkeley co-sponsorship of the non-profit Bioneers Conference, to be held April 6-8, 2023 and approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Chamber of Commerce to offset permit costs, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: See report

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

21. **Budget Referral - Speed Feedback Signs for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$40,000 for two Speed Feedback Signs on Arlington Avenue between The Circle and Mendocino Avenue, to encourage slower speeds on a stretch with numerous hidden and mid-block crosswalks.

Financial Implications: See report

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

Council Consent Items

- 22. Pedestrian Safety Upgrades for Arlington Avenue**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: In support of the City's Vision Zero Action Plan and Pedestrian Plan goals, refer to the Fiscal Year 2024 Budget Process an allocation of \$35,000 for traffic control measures on Arlington Avenue from The Circle to Mendocino Avenue, to enhance pedestrian safety at hidden crosswalks and where paths cross mid-block, and refresh painted markings that narrow lanes and encourage reduced speeds.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 23. 2023 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Wengraf and Councilmember Hahn, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's and Hahn's discretionary Council Office Budgets and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to the City's 20th Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on April 16th, 2023 from 2:00 – 3:00 PM. Register via Eventbrite to attend.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 24. Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 20th Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, April 16th from 2:00 - 3:00 PM.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 25. Referral: On-Street Secure Bike Storage**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the City Manager to develop and return to Council with a plan to create on-street secure bike parking in multi-family residential and commercial districts across the City in parking spots previously reserved for car storage. Take associated actions, including:
1. Determining recommended locations for installation that take into consideration factors such as equity priority neighborhoods; transit connections; bicycle network connections; areas with high percentages of tenants; access to destinations such as schools, community centers, employment centers, and businesses; and public input.
 2. Developing and issuing a Request for Proposal for an operator to install and maintain on-street bike lockers, including lockers that can accommodate bikes of varying shapes and sizes.
 3. Pursuing available grant opportunities to fund initial costs and ongoing maintenance.
- Financial Implications:** See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

- 26. Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Fifth Street**
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the east side of the 1600 block of Fifth Street in Area P.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Action Calendar – New Business

- 27. Berkeley Transit-First Policy Implementation Plan**
From: City Manager
Recommendation: 1. Adopt a Resolution approving the Berkeley Transit-First Policy Implementation Plan and authorizing the City Manager to pursue implementation of the Plan as funding and staffing permit; and
2. Appoint two members and one alternate to serve on the Inter-Agency Liaison Committee (ILC) between the City of Berkeley and AC Transit to discuss transit-related matters on a quarterly schedule.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Council Action Items

- 28. 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**
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

Information Reports

- 29. Fiscal Year 2023 Mid-Year Budget Update**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000; Henry Oyekanmi, Finance, (510) 981-7300
- 30. LPO NOD: 1581 Le Roy Avenue/#LMSAP2022-0009**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 31. LPO NOD: 1325 Arch Street/#LMSAP2022-0013**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 32. LPO NOD: 1911 Fourth Street /#LMSAP2022-0014**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 33. 2022 Disaster and Fire Safety Commission Work Plan**
From: Disaster and Fire Safety Commission
Contact: Keith May, Commission Secretary, (510) 981-3473

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor

Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901

Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,

Claremont Branch – 2940 Benvenue, West Branch – 1125 University,

North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

~~~~~  
***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 9, 2023.***

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Hopkins Corridor**

1. Jim Offel
2. Dan Leaverton
3. Wilbur Ressler
4. Anna Muessig
5. Susan Brooks
6. Bob Flasher

### **BART Development**

7. Jack Kurzweil
8. Dan Leaverton
9. Heath Maddox
10. Carol Gross
11. Phyllis Orrick
12. Mary Dorst
13. Kok Loong Lye
14. Kim Klein

### **Eviction Moratorium**

15. Teri Gerritz
16. Rose Hughes

### **Crime**

17. Seema Burke

- 18. Kimberly Damer
- 19. Taline T
- 20. Klara Budai

### **910 Indian Rock**

- 21. Berkeley Architectural Heritage Association

### **Bird Safe Ordinance**

- 22. Jan Ruchlis
- 23. Kelly Hammargren
- 24. Juliet Lamont
- 25. Sally Nelson

### **Civic Center Vision Plan**

- 26. Wendy Alfsen
- 27. Lorraine and Jack Scanlin

### **Berkeley Asphalt Operations**

- 28. Pear Michaels

### **Council Meetings – Hybrid and In-Person**

- 29. generalmint@

### **Viewpoint of City Manager**

- 30. Diana Bohn

### **Disabilities**

- 31. Gregory Kalkanis

### **3<sup>rd</sup> Party Delivery System**

- 32. Terri Nevins
- 33. Eric Wright

### **Golden Bear Housing Safety Assessment**

- 34. Meryl Siegal

### **Harriet Tubman Apartment Issues**

- 35. Darinxoso Oyamasela
- 36. Brandi Hutchinson
- 37. Cassandra Palanza

### **Homelessness/Encampments/Winter Shelter**

- 38. Paul Eriksen
- 39. Moni Law
- 40. Paul Kealoha Blake
- 41. Carol Corradi
- 42. City Manager Dee Williams-Ridley

### **COVID/Masking**

- 43. Moni Law
- 44. Ms. Omowale Fowles
- 45. Eric Friedman
- 46. Isabell Gaston

### **In Memory of Judy Heumann**

- 47. Michai Freeman
- 48. Councilmember Bartlett

### **Turtle Island Monument**

- 49. John Caner, Convener for Community for a Cultural Civic Center
- 50. George Petty

### **URL's Only**

- 51. Vivian Warkentin (2)

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.