



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, July 25, 2023
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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/1606074224>. 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: **160 607 4224**. 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@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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 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: *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.

Consent 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. **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,882-N.S amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.110 R-4 Multi-Family Residential District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use Specific Regulations (Commercial Districts)
- 23.204.060 C-U University Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Industrial Uses
- 23.206.080 MU-LI Mixed Use-Light Industrial District (Land Use Regulations)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.304.030 Setbacks
- 23.304.040 Building Separation in Residential Districts
- 23.308.020 Applicability and Nonconformities (Emergency Shelters)
- 23.308.030 Standards for Emergency Shelters
- 23.324 Nonconforming Uses, Structures, and Buildings
- 23.324.010 Chapter Purpose
- 23.324.050 Nonconforming Structures and Buildings
- 23.502.020 Glossary

First Reading Vote: All Ayes.

Financial Implications: None

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

Consent Calendar

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of June 6 (regular), June 13 (regular), June 20 (special closed and special) and June 27 (regular)

Financial Implications: None

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

3. Voting Delegates – League of California Cities Annual Conference

From: City Manager

Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 22, 2023, in Sacramento.

Financial Implications: See report

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

4. Contract: Berkeley Convention and Visitor's Bureau, d.b.a. Visit Berkeley

From: City Manager

Recommendation: Adopt a Resolution allowing the City Manager to execute a sole source contract 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, 2023 through June 30, 2027 for a not to exceed amount of \$3,500,000.

Financial Implications: See report

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

5. Contracts: Turtle Island Monument, Scott Parsons and Artworks Foundry LLC

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute the following artwork contracts and any amendments for the City of Berkeley's Turtle Island Monument at Martin Luther King Jr. Civic Center Park with contract periods of July 1, 2023 through March 30, 2025:

1. Scott Parsons - for fabrication of three new stone medallions, purchase of twelve selected boulders into which seven existing art medallions will be installed, purchase of granite base stone material for mounting of five bronze turtles for an amount not to exceed \$236,000.

2. Artworks Foundry - for fabrication of a large central bronze turtle sculpture for Turtle Island Monument for an amount not to exceed \$350,000.

Financial Implications:

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

Consent Calendar

6. Contract No. 117596-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners for FY 2024, increasing the contract amount by \$35,000 for a new total contract amount not to exceed \$102,218 and extending the terms of the contract to July 25, 2026.

Financial Implications: See report

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

7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 25, 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 - \$885,000

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

8. Contract Amendment: Cooke and Associates for Applicant Background Investigations

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke and Associates to expand capacity to perform background investigation services from \$50,000 to an amount not to exceed \$300,000 from August 1, 2023 through July 31, 2026.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473, Jennifer Louis, Police, (510) 981-5900

Consent Calendar

9. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

From: City Manager

Recommendation: Adopt ten Resolutions authorizing the City Manager or her designee to execute the following contracts, which are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS) and Prevention and Early Intervention (PEI), increasing the contract amounts as outlined below, and extending the contracts through June 30, 2026:

1. Increasing CSS Contract No. 108800-1 with Bay Area Hearing Voices Network by \$46,941 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$325,678 for hearing voices support groups;
2. Increasing CSS Contract No. 31900132 with Building Opportunities for Self-Sufficiency by \$100,000 per year from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$700,000 for representative payee services;
3. Increasing CSS Contract No. 32200130 with Alameda County Behavioral Health Care Services by \$491,933 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$2,459,665 for Wellness Center operations;
4. Increasing CSS Contract No. 32000117 with Insight Housing (formerly Berkeley Food and Housing Project) for \$626,616 per year for three years from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$5,286,488 for supportive housing services;
5. Increasing CSS Contract No. 32000094 with Youth Spirit Artworks by \$132,046 per year for three years for Transition Age Youth case management and trauma support services from Mental Health Services Act (Fund #315), and \$78,000 for Fiscal Year 2024 for Tiny House Village housing services from Measure P (Fund #011), for a total contract amount not to exceed \$1,211,230;
6. Increasing PEI Contract No. 32000240 with Berkeley Unified School District by \$401,389 per year from Mental Health Services Act (Fund #315), for a total contract amount not to exceed \$2,598,334 for services to support Berkeley students;
7. Increasing PEI Contract No. 088999-1 with Center for Independent Living by \$32,046 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$448,860 for services to support older adults;
8. Increasing PEI Contract No. 052129-1 with Pacific Center for Human Growth by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$815,150 for services to support the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Agender, Plus (LGBTQIA+) population;
9. Increasing PEI Contract No. 32200146 with ONTRACK Program Resources by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$475,000 for services to support African Americans;
10. Increasing PEI Contract No. 3200111 with East Bay Sanctuary Covenant by \$100,000 per year from Mental Health Services Act (Fund #315) for a total contract amount not to exceed \$500,000 for services to support the Latinx, Latina, Latino population.

Financial Implications: See report

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

Consent Calendar

- 10. Contract No. 32300138 Amendment: Prevention and Early Intervention Statewide Project - California Mental Health Services Authority**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300138 with the California Mental Health Services Authority (CalMHSA) to execute a Participation Agreement for Fiscal Year 2024 for the Prevention and Early Intervention (PEI) Statewide Project and allocate Mental Health Services Act (MHSA) funds in the amount of \$93,027, for a total amount not to exceed \$163,934 through June 30, 2024.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract: 2 Plus 1 Housing Resolution Services for Harriet Tubman Terrace Tenant Advocate**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract for professional services with the vendor 2 Plus 1 Housing Resolution Services for a Harriet Tubman Terrace Tenant Advocate for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$100,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Mental Health Services Act (MHSA) Fiscal Years 2024-2026 Three Year Program and Expenditure Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act Fiscal Years 2024-2026 Three Year Program and Expenditure Plan (MHSA Three Year Plan), which provides information on current and proposed uses of funds for mental health programming, and forwarding the MHSA Three Year Plan to appropriate state officials.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Reserving Predevelopment Funds BRIDGE Housing Cooperation to Support the Development of Affordable Housing at the North Berkeley BART Site**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving \$1,500,000 in Affordable Housing Mitigation Fee funds to BRIDGE Housing Corporation (BRIDGE) or its affiliate to support master planning and predevelopment activities related to the development of affordable housing at the North Berkeley BART site. 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

14. Establish Classification and Salary Range – Deputy Police Chief

From: City Manager

Recommendation: Adopt a Resolution establishing the unrepresented classification of Deputy Police Chief with an hourly salary range of \$96.1538 - \$125.0000, and an annual salary range of \$200,000.0000 - \$260,000.0000.

Financial Implications: See report

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

15. Salary Range Adjustments: Senior Building Maintenance Supervisor, Senior Equipment Supervisor, Senior Public Works Supervisor, and Senior Solid Waste Supervisor

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 69,997-N.S., Salary Resolution for Public Employees Union (PEU) – Local 1, to increase the salary range of the Senior Building Maintenance Supervisor by 9.30%; Senior Equipment Supervisor by 13.00%; Senior Public Works Supervisor by 8.53%; and Senior Solid Waste Supervisor by 8.53%, effective January 1, 2023.

This Resolution follows Council consideration of this item in Closed Session on May 1, 2023.

Financial Implications: See report

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

16. Piggyback Contract – SmartWave for City Facility Managed Wi-Fi

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract which aligns with the City of Tucson, AZ existing contract and amendments, to provide managed Wi-Fi throughout City of Berkeley facilities in an amount of \$325,000 with an option to extend ongoing Operations and Maintenance (O&M) for an additional year for a total contract value not to exceed \$370,000 through FY2025.

Financial Implications: IT's Cost Allocation Fund - \$370,000

Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Side Letter Agreement: Hornblower Sublease

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter Agreement with 200 Marina Boulevard, Berkeley, LLC to memorialize the terms and amount of Hornblower sublease rent payments and the City's consent to the Hornblower sublease at the Doubletree Hotel at the Berkeley Waterfront.

Financial Implications: See report

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

Consent Calendar

- 18. Contract No. 32200183 Amendment: Western Water Features Inc. for 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 renovations at King Swim Center, increasing the contract amount by \$79,000 for a total not to exceed amount of \$1,179,000.
Financial Implications: \$1,179,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 19. \$5.5M Loan for D and E Dock Project In Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to implement one of the following options: (1) execute an Amendment to the existing \$5.5M Loan Agreement with the State Division of Boating and Waterways, based on one of four proposed alternatives described in the Current Situation section of the report;
-OR-
(2) adopt a resolution authorizing the City Manager to implement an internal loan of \$5.5M from the Workers Compensation Fund and/or the Stability Reserve Fund and/or Catastrophic Reserve Fund as determined by the City Manager, and repay this loan from the Transient Occupancy Tax revenue and/or the Marina Fund with the terms to be determined by the City Manager.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Accept Grant Funds from the Governor's Office of Planning and Research to Create a New Environmental Justice Element, Update the General Plan Disaster Preparedness & Safety Element, and Develop Community-Driven Climate and Resilience Metrics**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to accept the California Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of \$497,042, and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 21. Authorize an Agreement with AC Transit to Provide Funding for Transit Shelter Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a funding agreement between the City of Berkeley and the Alameda-Contra Costa Transit District (AC Transit) to provide an amount not to exceed \$110,000 over five years to support transit shelter and bench maintenance.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 22. Contract No. 32100127 Amendment: Benefit Resource, Inc. for Third-Party Administrator of the Employee Commute Benefit Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Benefit Resource, Inc., (BRI) to provide third-party administrator services for the City of Berkeley's Employee Commute Benefit Program for an amount not to exceed \$50,000 for a total contract not to exceed of \$100,000 and extending the term through February 28, 2025.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 23. Contract No. 32000128 Amendment: WSP USA Environment & Infrastructure Inc. (formerly Wood Environment & Infrastructure Solutions, Inc.) for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000128 with WSP USA Environment & Infrastructure Inc. (formerly Wood Environment & Infrastructure Solutions, Inc.) to increase the contract for on-call environmental consulting services by \$500,000 for a new not to exceed amount of \$1,200,000 and extend the contract term through December 30, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract No. 32000145 Amendment: Zonar Systems, Inc. for Global Positioning System Telematics Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000145 with Zonar Systems, Inc. for global positioning system telematics program, increasing the amount by \$200,000 for a total amount not to exceed \$478,698 and extending the term through June 30, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

25. **Contract No. 32100070 Amendment: Urban Ore, Inc. for Salvage Operations at the City of Berkeley Transfer Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100070 with Urban Ore, Inc. for salvage operations of reusable materials at the City's Transfer Station increasing the not to exceed amount by \$75,272 for a new not to exceed amount of \$189,848 and extending the term through June 30, 2025.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
26. **Contract: R & S Erection of Richmond, Inc. for On-Call Roll Up Door and Gate Maintenance and Replacement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments and extensions, with R & S Erection of Richmond, Inc. for the ongoing maintenance, urgent repairs and replacement of roll up doors in an amount not to exceed \$300,000 for the period of August 1, 2023 through July 31, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
27. **Contract: Wood Rodgers, Inc. for Stormwater Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a professional services contract with Wood Rodgers, Inc. in an amount not to exceed \$1,900,000 for the development of a comprehensive Stormwater Master Plan (SWMP). A comprehensive SWMP would identify key deficiencies in the stormwater system, prioritize capital improvement projects, identify funding needs, develop City specific drainage design standards, and update maintenance and inspection plan for stormwater facilities.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
28. **Contract: Disability Access Consultants for On-Call American with Disabilities Act Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Disability Access Consultants (DAC) for on-call American with Disabilities Act consulting services to provide support to the City of Berkeley's Disability Compliance Program, for up to three years in an amount not to exceed \$300,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

29. **Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: See policy committee recommendation.
Policy Committee Recommendation: Send the item to Council with a positive recommendation.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
30. **Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: City Manager
Recommendation: See policy committee recommendation.
Policy Committee Recommendation: Send the item to Council with a positive recommendation.
Financial Implications: None
Contact: Liam Garland, Public Works, (510) 981-6300
31. **Resolution to Adopt a City-Wide “Care First, Jails Last” Policy**
From: Mental Health Commission
Recommendation: Adopt a Resolution adopting a city-wide “Care First, Jails Last” policy that prioritizes the use and/or development of a continuum of care for individuals with mental illness, substance use, or co-occurring disorders rather than incarceration. Require City departments that have contact with the public to revise policies, procedures, and practices to reflect this priority and policy resolution. Require City Council to use this priority and policy resolution to inform budgetary priorities.
Financial Implications: See report
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Council Consent Items

32. **Young Lives Matter Foundation Walk for Peace: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including up to \$500 from Councilmember Taplin, to support the Young Lives Matter Foundation’s Walk for Peace with funds relinquished to the City’s general fund.
Financial Implications: Councilmember’s Discretionary Fund - \$500
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 33. Resolution to Initiate Berkeley Farmers' Market Week**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution to officially proclaim the first week of August as Berkeley Farmers' Market Week.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 34. Commemoration of the 100th Anniversary of the 1923 Berkeley Fire: Relinquishment of Council Office Budget Funds from General Funds and Grant Such Funds**
From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember or Mayor, including \$500 from Councilmembers Wengraf and Harrison, to support the City's Commemoration of the 100th Anniversary of the 1923 Berkeley Fire with funds relinquished to the City's general fund. The relinquishment of funds from Councilmembers Wengraf and Harrison's discretionary Council Office Budgets and all other Councilmembers and Mayor who would like to contribute will support a community fair with family friendly activities, including historical and educational displays and activities for the 1923 Fire Commemoration on September 17, 2023.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 35. Resolution Supporting the Unionization of Peet's Coffee Workers**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution in support of workers at Peet's Coffee unionizing under the Industrial Workers of the World IU 460
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, 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

Action Calendar

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.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, 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.

When applicable, 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.

36. Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23, and repealing BMC Chapter 12.99, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.

Financial Implications: See report

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

Action Calendar – New Business

- 37. Adopting the Affordable Housing Framework for Development at the North Berkeley BART Station Area**
From: City Manager
Recommendation: Adopt a Resolution:
1. Adopting the framework for City subsidy of affordable housing at the North Berkeley BART station area.
2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 38a. Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**
From: City Manager
Recommendation: Adopt a Resolution accepting the proposed policies and acquisition report for the use of fixed automated license plate readers (ALPRs).
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 38b. Police Accountability Board (PAB) response to Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**
From: Police Accountability Board
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4960
- 39. Assembly Bill 481, 2022 Annual Military Equipment Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2022 Annual Military Equipment Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Council Action Items

- 40. Waivers for Woolsey Gardens Affordable Housing Project**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Pursuant to Berkeley Municipal Code (BMC) Section 22.20.070 and/or 22.20.080, adopt a Resolution approving the following requests from Northern California Land Trust for the Woolsey Gardens affordable housing project at 3120-3130 Shattuck: 1. Waive the requirement in BMC Section 23C.12.070(C)(4) in force at the time of entitlement that subsequent purchasers of inclusionary units in limited equity housing cooperatives have a yearly gross income of no more than 44 percent of the cost of a unit at the time of sale. 2. Approve the provision of an additional inclusionary unit instead of paying the in-lieu fee equivalent of .44 units as required by BMC Section 23.C.12.040(E) in force at the time of entitlement.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

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.*

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

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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@berkeleyca.gov

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.

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*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 July 13, 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](#).*

### **Item #37: Adopting the Affordable Housing Framework for Development at the North Berkeley BART Station Area**

1. Paul Widess
2. Marianne Betterly
3. Karen Eisenstadt
4. David Rice
5. T. Anne Richards
6. Marice Ashe
7. Kathryn Malone
8. Leonard Mudrock
9. Lonnie Wankel
10. Joan Hamilton
11. Mary Lai
12. Toby Salk
13. Helga Recke and Peter Ewell
14. Laura Garcia Moreno
15. Kori Kody
16. Chris Witt
17. Walter Wood
18. Laura Ide
19. Katherine KunhIRaman
20. Nicole Corsini
21. Richard Laden and Marie-Paule Laden
22. Laura Klein
23. Carol Hirth

- 24. Vicki Sommer (2)
- 25. Seth Kimball
- 26. Leni Siegel
- 27. Alisa Foster and Family
- 28. Lunda Caesara
- 29. Abe Hardin
- 30. Harvey Smith
- 31. Leonard Mudrock

**Item #38: Surveillance Ordinance items related to Fixed Automated License Plate Readers (ALPRs)**

- 32. Tobey White
- 33. Hansel Aguilar, on behalf of the Police Accountability Board (3)
- 34. Christine Schwartz
- 35. David Freeling
- 36. Sean Gibson
- 37. Sara Pierre
- 38. Dorothea Dorenz
- 39. Margaret Wellons
- 40. Patrick McCully
- 41. Zach Franklin
- 42. Eric Lee
- 43. Margaret Flaherty

**Hopkins Corridor**

- 44. Margo Smith
- 45. Virginia Kamp
- 46. Cindi Goldberg

**Thank You Berkeley Police Department**

- 47. TK Alexander

**Police Accountability Board**

- 48. Fran Haselsteiner
- 49. Hansel Aguilar, on behalf of the Police Accountability Board

**Racehorse Protection**

- 50. Carla Cabral
- 51. Bonnie Klapper
- 52. Kevin Korevaar-Plesniak
- 53. Gayle Paul
- 54. Joyce Lipener
- 55. Sheri Graeber
- 56. Diana Deikman
- 57. Karin Nelson
- 58. Kimberlee Krok
- 59. Ginnysue57

60. Linda Reilly  
61. Yasirah Vaughn

**Oppose AB 965**

62. Richard Tamm  
63. Martin Bernbaum

**People's Park Protestors**

64. Lorraine Mahley

**Street Repair Money**

65. S. Entsistle

**1740 San Pablo Avenue New Construction – Funding Application**

66. Rachel Durney, on behalf of NorCal Development, BRIDGE

**Abatement Notice: 1510 Rose Street #A**

67. Sara Kershner (2)

**Upcoming Sewer Rehabilitation Work at California and Prince**

68. Dan Bristol  
69. Joseph Griffin

**Claremont Hotel – Adjacent Strip Needs Work**

70. Jo Farmer

**Trash Not Being Picked Up Again**

71. Wenter S, on behalf of Third Culture Bakery (2)  
72. Berkeley's Mayor's Office

**Perimeter Trail at Cesar Chavez Park**

73. Rachel Bradley

**Curb Cuts – Thank You**

74. Laura Bates

**Safety Hazards at Willard Park**

75. Kristen Boyd

**Pump Out Services for RV's**

76. Ellen Fullman

**Aquatic Center**

77. Natasha Hains

**Fireworks**

78. Pamela Michaud (3)  
79. Sarah Garrett  
80. Colleen McCann  
81. Mike Kim  
82. Sandra Blair  
83. Carol Cohen

**City's Subcontractor Weeding the Spruce and Vine Traffic Circle**

84. Fred Dodsworth

**URL's Only**

85. Vivian Warkentin (3)

**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.