



Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of May 1 (Closed), May 2 (Special), May 8 (Closed), May 9 (Regular), May 15 (Closed), May 16 (Special and Special WS) and May 23 (Special and Regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. May 1, 2023 - Closed Council Meeting
2. May 2, 2023 – Special Council Meeting
3. May 8, 2023 – Closed Council Meeting
4. May 9, 2023 – Regular Council Meeting
5. May 15, 2023 – Closed Council Meeting
6. May 16, 2023 – Special Council Meeting
7. May 16, 2023 – Special (WS) Council Meeting
8. May 23, 2023 – Special Council Meeting
9. May 23, 2023 – Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MAY 1, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

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## Preliminary Matters

**Roll Call:** 3:10 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 3:13 p.m.

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. *Stachl v. City of Berkeley*, Alameda County Superior Court Case Number RG20074265

**Action:** M/S/C (Arreguin/Robinson) to approve a settlement in the matter of *Stachl v. City of Berkeley*, Alameda County Superior Court Case No. RG20074265, in the amount of \$125,000 in exchange for a release of all claims against the City.

**Vote:** All Ayes.

### 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(3):

a. Significant exposure to litigation; see April 22, 2023 letter from David H. Blackwell on behalf of Mevlanarumi LLC, owners of 2023-25 Shattuck Ave., attached as required by *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360 (2020)

**Action:** No reportable action taken.

b. *Alejandres v. City of Berkeley*, California Civil Rights Department Case No. #202209-18233514

**Action:** No reportable action taken.

### 3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; Public Employees Union Local 1

**Action:** No reportable action taken.

## OPEN SESSION:

The City Council met in closed session and approved a settlement in the matter of *Stachl v. City of Berkeley*, Alameda County Superior Court Case No. RG20074265, in the amount of \$125,000 in exchange for a release of all claims against the City.

## Adjournment

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

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

Councilmember Harrison absent at 5:18 p.m.

Councilmember Kesarwani absent at 5:46 p.m.

Councilmember Wengraf absent at 5:51 p.m.

Councilmember Robinson absent at 5:56 p.m.

Adjourned at 6:20 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 1, 2023.

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Mark Numainville, City Clerk

## Communications

### Item #2a: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(3):

1. Tuija Catalano, on behalf of Reuben, Junius & Rose LLP

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

- None

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 2, 2023  
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Roll Call:** 6:12 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Wengraf

Councilmember Kesarwani present at 6:17 p.m.

## Action Calendar – New Business

**1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance From: Mayor Arreguin (Author)**

**Recommendation:**

1. Adopt a first reading of an Ordinance adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.
2. Refer the City Manager and Planning Commission if necessary to:
  - a. Include an analysis of the costs of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway;
  - b. Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
  - c. Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
  - d. Consider upzoning the C-DMU Downtown Mixed-Use District zoning to allow for an increased number of taller exceptions (at or above 180 feet in height) and explore other zoning modifications to allow for additional density as a way to offset the cost of these new labor standards.
3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Hahn) to accept revised materials from Mayor Arreguin on Item 1.

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

**Action:** 38 speakers. M/S/C (Arreguin/Bartlett) to:

1. Adopt first reading of Ordinance No. 7,861–N.S. as revised in supplemental materials submitted at the meeting by Mayor Arreguin. Second reading scheduled for May 23, 2023.

2. Refer the City Manager and Planning Commission to:

- a) Include an analysis of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway and direct the City Manager expedite completion of this analysis;
- b) Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
- c) Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
- d) Explore zoning modifications to allow for additional density as a way to offset the cost of these new labor standards if needed.

3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance, coordination with implementing departments, notice to applicants of the new requirements, required forms, informational materials, and notice on how optional hourly contributions to the California Apprenticeship Council are calculated to satisfy the requirements in Section 13.107.040(a).

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

## Adjournment

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

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

Adjourned at 8:22 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 2, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

### **Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**

1. Richard Markuson, on behalf of Pacific Advocacy Group
2. Phyllis Orick
3. Melinda Howard-Herrarte, on behalf of Sierra Club

## **Supplemental Communications and Reports 3**

### **Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**

4. Revised material, submitted by Mayor Arreguin
5. Cora Kapenga
6. Phyllis Orrick
7. Beli Acharya, on behalf of the Construction Trades Workforce Initiative
8. Igor Tregub, on behalf of the Alameda County Democratic Party
9. Berkeley Neighbors for Housing and Climate Action
10. Denise Pinkston, on behalf of Land Use and Policy
11. Louis Mirante, on behalf of Bay Area Council
12. Kelly Elena MacDonald, on behalf of the Building and Construction Trades Council of Alameda County
13. Kelly Hammargen
14. Julia Hutton, on behalf of the Rising Sun Center for Opportunity
15. Corey Smith, on behalf of the Housing Action Coalition



# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MAY 8, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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  
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DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 3:06 p.m.

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

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 3:23 p.m.

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association.

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:00 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 8, 2023.

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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](#).*

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 9, 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

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## Preliminary Matters

**Roll Call:** 6:07 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert

**Absent:** Kesarwani, Arreguin

Councilmember Kesarwani present at 6:17 p.m.

Mayor Arreguin present at 6:38 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 Affordable Housing Month – May 2023

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 19 speakers.

**Action:** M/S/C (Hahn/Robinson) to add an urgent item to the agenda regarding a new \$200,000 financial allocation to the Eviction Defense Center.

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

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

**Vote:** All Ayes.

Recess 7:37 p.m. – 8:00 p.m.

**Urgent Item: Increase Funding to Housing Retention Program Contract  
From: Mayor Jesse Arreguín**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to:

1. Allocate an additional \$200,000 to the Housing Retention Program from the Measure P General Fund balance;
2. Amend the current contract with the Eviction Defense Center (EDC) (No. 32100023) by \$200,000 for rent debt or other expenses that would enable applicants to retain housing; and
3. Amend Item #3 Amendment: FY2023 Annual Appropriations Ordinance on tonight's (May 9, 2023) Council agenda to increase the re-appropriation of committed FY 2022 funding totals by \$200,000 to reflect \$27,940,780 gross and \$29,658,924 net.

**Financial Implications:** See report

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

**Action:** Councilmembers Hahn and Robinson, and Vice-Mayor Bartlett added as co-sponsors. Adopted Resolution No. 70,796–N.S.

**1. Proposition 218 Procedures and Five Year Zero Waste Rate Schedule  
From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,860-N.S. amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,860–N.S.

**2. Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription  
From: City Manager**

**Recommendation:** Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,797–N.S.

## Consent Calendar

**3. Amendment: FY 2023 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

**Financial Implications:** See Council Report

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

**Action:** Adopted first reading of Ordinance No. 7,862–N.S. amended to include the \$200,000 allocation for the Eviction Defense Center adopted in the Urgent Item. Second reading scheduled for May 23, 2023.

**4. Appointment of the Fire Chief**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,798–N.S.

## Consent Calendar

### 5. Appointment of the Police Chief

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

**Financial Implications:** See report

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

Recess 8:57 p.m. – 9:05 p.m.

**Action:** M/S/C (Humbert/Kesarwani) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Humbert/Taplin) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes - Harrison.

**Action:** M/S/Failed (Humbert/Kesarwani) to call for the previous question.

**Vote:** Ayes – Kesarwani, Taplin, Wengraf, Humbert; Noes - Bartlett, Harrison, Hahn, Robinson, Arreguin.

**Action:** M/S/Failed (Harrison/Bartlett) to continue the appointment of the Police Chief to July 25, 2023 or an earlier special meeting date.

**Vote:** Ayes – Bartlett, Harrison, Hahn, Arreguin; Noes – Kesarwani, Taplin, Wengraf, Robinson, Humbert.

**Action:** Moved to Action Calendar. 65 speakers. M/S/Carried (Humbert/Wengraf) to adopt Resolution No. 70,799–N.S. confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

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

### 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 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 - \$7,305,000

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

**Action:** Councilmember Hahn noted her abstention regarding the Willard Clubhouse funding. Approved recommendation.



## Consent Calendar

**7. 2023 Local Housing Trust Fund Application**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,800–N.S.

**8. Contract No. 31900263 Amendment: Rebuilding Together East Bay-North Contract Continuation Recommendation**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,801–N.S.

**9. Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

**Financial Implications:** Various Funds - \$75,000

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

**Action:** Adopted Resolution No. 70,802–N.S.

## Consent Calendar

- 10. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.  
**Financial Implications:** General Fund -\$50,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,803–N.S.
- 11. Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping. The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.  
**Financial Implications:** General Fund - \$110,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,804–N.S.
- 12. Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions. The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.  
**Financial Implications:** Various Funds - \$380,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,805–N.S.

## Consent Calendar

13. **Contract: Hansine Fisher & Associates for Targeted Case Management and Medi-Cal Administrative Activities Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services. The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.  
**Financial Implications:** Target Case Mgmt/Linkages Fund - \$100,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,806–N.S.
14. **Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,807–N.S.

## Consent Calendar

### 15. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. Maternal, Child and Adolescent Health (MCAH) Program in the projected amount of \$375,000 for FY 2024.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. Immunization Program in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. Childhood Lead Poisoning Prevention Program (CLPPP) in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. CalFresh Health Living (CFHL) Program in the projected amount of \$487,170 for FY 2024 through FY 2027.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,808–N.S. (CHDP), Resolution No. 70,809–N.S. (MCAH), Resolution No. 70,810–N.S. (Tobacco), Resolution No. 70,811–N.S. (Immunization), Resolution No. 70,812–N.S. (Public Health), Resolution No. 70,813–N.S. (Lead), Resolution No. 70,814–N.S. (CFHL).

## Consent Calendar

**16. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following four revenue agreements:

1. Foster Care Program in the projected amount of \$96,500 for Fiscal Year 2024.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for Fiscal Year 2024.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2024.
4. Tobacco Prevention Program in the projected amount of \$78,960 for Fiscal Year 2024.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,815–N.S. (Foster Care), Resolution No. 70,816–N.S. (Berkeley High), Resolution No. 70,817–N.S. (School Linked), Resolution No. 70,818–N.S. (Tobacco).

**17. Accept California Strengthening Public Health Initiative Funds from the State of California**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,819–N.S.

**18. Establish Classification and Salary: Electrical Supervisor and Communications Supervisor**

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Establishing the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
2. Establishing the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,820–N.S. (Electrical Supervisor), Resolution No. 70,821–N.S. (Communications Supervisor).

## Consent Calendar

19. **Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy**  
**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 Mortar Rock Park in memory of Charles D. Sooy.  
**Financial Implications:** \$3,400 (revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,822–N.S.
20. **Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.  
**Financial Implications:** Various Funds - \$2,000,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,823–N.S. (AnchorCM), Resolution No. 70,824–N.S. (Park Engineering).
21. **Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division’s Online Registration System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division’s online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.  
**Financial Implications:** Various Funds - \$360,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,825–N.S.
22. **Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.  
**Financial Implications:** CIP Fund - \$1,338,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,826–N.S.

## Consent Calendar

- 23. Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,827–N.S.
- 24. Contract No. 32000180 Amendment: Missionmark for Audit Management and Recommendation Tracking Software**  
**From: Auditor**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Adopted Resolution No. 70,828–N.S.
- 25. Approval of Additional Disaster and Fire Safety Commission Meeting**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2023.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473  
**Action:** Adopted Resolution No. 70,829–N.S.

## Action Calendar – Public Hearing

- 26. FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**  
**From: City Manager**  
**Recommendation:** Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- Action:** M/S/C (Arreguin/Harrison) to reschedule the budget public hearing to a special meeting on May 16, 2023 at 4:00 p.m. including supplemental material submitted by the City Manager's Office.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 27. Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

**From: City Manager**

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and 4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and 5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A to the report, and 6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and; 7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 2 speakers.

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

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

Councilmember Harrison absent at 11:21 p.m.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,830–N.S.

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



## Action Calendar – New Business

**28. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements**

**From: City Manager**

**Recommendation:**

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution No. 70,156-N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

**Financial Implications:** See report

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

**Action:** 1 speaker. M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 70,831–N.S.

2. Adopt first reading of Ordinance No. 7,863–N.S. Second reading scheduled for May 23, 2023.

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

## Information Reports

**29. FY 2023 Second Quarter Investment Report: Ended December 31, 2022**

**From: City Manager**

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

**Action:** Received and filed.

**30. Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance**

**From: City Manager**

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

**Action:** Received and filed.

## Information Reports

31. **LPO NOD: 1919 Addison Street, #LMSAP2022-0012**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
32. **LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda - 1 speaker.

## Adjournment

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

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

Adjourned at 11:29 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on May 9, 2023.

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Mark Numainville, City Clerk

## Communications

### Item #5: Appointment of the Police Chief

1. April Gilbert

### Rampant Crime in Berkeley

2. Kimberly Damer
3. Dee Williams-Ridley
4. Rika Yamamoto
5. Alene Griffin
6. Nidhi Bhatnagar
7. Colleen Aitken
8. Li Kelty
9. Alan Jencks
10. Robin Kibby

### UA Theater

11. Jennifer Renzi
12. Warren Long

- 13. Anthony Verruso
- 14. Kurt Landisman
- 15. Spreck Rosekrans
- 16. Wendy Stock

**Golden Gate Fields**

- 17. Christopher Kroll
- 18. Melanie Lawrence
- 19. Helen Cameron
- 20. Lisa Fitch

**Vision Zero for San Pablo Avenue**

- 21. Benjamin Fry
- 22. Kevin Burke

**Recycling Programs**

- 23. David Lerman
- 24. Martin Bourque

**Bike Lanes for 1307 Dwight Way**

- 25. Laurel and Ben Kuchinsky (2)

**Parking Restrictions at James Kenney Community Center**

- 26. Johsua Buchin

**Berkeley Animal Care Services**

- 27. Kristen Anderson
- 28. Leslie Smith

**Porta Potties at People's Park**

- 29. Nancy Schimmel
- 30. Summer Brenner
- 31. Wynd Kaufmyn

**Loud Music at The Tap In Lounge – 2012 Shattuck Avenue**

- 32. Keiti Hashimero

**Protect our Sacred Ohlone Sites**

- 33. Susan Nunes Fadley

**Invitation to Berkeley High School U9 Climate Conference**

- 34. Zia Grossman-Vendrillo

**Lack of Communications – City Services**

- 35. Scott Schwalbach

**Berkeley Waterfront**

36. Jack Kurzweil

**Homelessness**

37. Thom Lauret

**Build, Build, Build Mentality**

38. Barbara Gilbert

**Solar Lights Requested at UC Berkeley Along Bancroft**

39. Sandy Shaw Friedman

**Impending Foxtail Disaster**

40. Chelonii11059@

**City of Berkeley Requirement Increases Cancer Among Residents**

41. Daniel Auten

**Step Up Housing Memo**

42. Lisa Warhuss, Director of Health, Housing and Community Services (HHCS)

**Traffic Safety on Francisco Street between Sacramento and MLK Jr. Way**

43. David Lerman

**2920 Shattuck**

44. Larisa Cummings (2)

45. Sharon Gong

**Support Budget Referral for Berkeley's Paths**

46. Jen Bilik

**Berkeley Ceasefire Program/Racial Profiling**

47. Elana Auerbach (2)

**Berkeley Police Surveillance Ordinance Policies Related to Unmanned Aerial Systems**

48. Hansel Aguilar

**Delays in Berkeley Police ODPa Work Production**

49. Hansel Aguilar

**Annual Report for Berkeley Police Equipment and Community Safety Ordinance**

50. Hansel Aguilar

**Natural Gas Stoves**

51. John Jones

52. Tom Hanson

**The YIMBY's and 50-Story Tower**

53. Zelda Bronstein

**Crosswalk at 6<sup>th</sup> and Addison**

54. Eric Wiesner

**Psychedelics Decriminalization**

55. Esi Mathis

**Support for African American Holistic Resource Center**

56. Moni Law

**In Support of The Center for Independent Living**

57. Mary Behm-Steinberg, Chair of Human Welfare and Community Action Commission

**Small Business Fees and Fines**

58. Walter Wood

**Hopkins Corridor**

59. Ben Gould, Chairperson for Environmental and Climate Commission

60. Janet Jacobson-Weiss

61. Damon Guthrie

62. Marc Hedlund (2)

63. Kevin Powell

64. Eileen Hughes

65. Save Hopkins

66. Bob Flasher

67. Andrew Brozyna

68. Norma Guzman

69. Jay Sayre

70. Mario Aranha

71. Deborah Georges

72. Sandra and Tim Easley

73. Henry Pinkard

74. Susan Taylor

75. Renate Crocker

76. Paul Mileck

77. Ann Danforth

78. Mary Staats

79. Friends of Five Creeks

80. George Porter

81. Kaylene Stocking

82. Susan Taylor

83. Laura Atkins

84. Renetia Martin
85. Isobel White
86. Arlene Owseichik
87. Mitch Varhula
88. Steve Sperber
89. Margot Smith
90. Brandon Brodt
91. Elsie Wong
92. Julie Wong
93. Ben Gerhardstein (3)
94. Larry Goldman
95. David Sprague, Interim Fire Chief
96. Dorothea Dorenz
97. Byron Barrett
98. Kelly Hammargren
99. Alex Takaoka
100. Jane Diamond
101. S. Entwistle
102. Tom Mysz
103. Carol Sawdey
104. Meg Holm
105. David Gilbert
106. Ken Frankel
107. J. Brodsky
108. Bob Muzzy
109. Alan Pearson
110. Ann Rogers
111. Stephen Woodrow
112. Susan Griffin
113. Meri Issel
114. Howard Winet
115. Cherie Hearne
116. Helen Toy
117. Bobin Kibby
118. Bill Pottinger
119. Marty Rosenthal
120. Mimi Sternberg
121. Josephine Perry
122. Dee Williams-Ridley, City Manager
123. Laurel Denyer
124. Deborah Shaw
125. Leni Siegel
126. Diana Bohn
127. Dave Stark
128. Julia Moss
129. Ross Bernet

130. Ben Gerhardstein
131. Save Hopkins
132. Warren Wells
133. Andrew Little
134. Ethan Bodle
135. Helena Worthen
136. Jeremy Townsend
137. Adam Moss
138. Friends of Five Creeks
139. Kristiane Skolmen
140. Jeff Habicht
141. Rebecca Meyer
142. Rob Schwartz
143. Stewart Smith
144. Steven Wang
145. Jenna Fahle
146. Tatiana Guerreiro Ramos
147. Linda
148. Pat Hill
149. Julie Bussgang
150. Ben Thomas
151. Rosemary Clark
152. Betty Seto
153. Elise Fortin
154. Adrian
155. Em Holmes
156. Save Hopkins
157. Sarah Lefton
158. Laura Fujii
159. Emily Huston
160. Todd Andrew
161. Jenny Johnston
162. Lucas Cantor
163. Byron Barrett
164. Kathy Kosinski
165. Andrew Judd
166. Andy Peterson
167. Save Hopkins

## **Supplemental Communications and Reports 1**

### **Item #1: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

168. Chrise de Tournay

### **Item #5: Appointment of the Police Chief**

169. Michael Weber
170. Gael Alcock

171. John Caner, on behalf of the Downtown Berkeley Association
172. John Parman
173. Arvind Melwani
174. Linda Spindler
175. Geoff
176. Allyson Arons
177. Kiran Raikar
178. Tracee Farrell
179. Satina Chiu
180. Sagar Jethani
181. Lisa Mott
182. Megan Heerding
183. Jenny Ni
184. Arvinder Bains
185. Sonia Gupta
186. Ashok Goyal
187. Any Wu
188. Elizabeth Areiza

## **Supplemental Communications and Reports 2**

### **Item #5: Appointment of the Police Chief**

189. Lisa Mirkovic
190. Grace Hartman
191. Paul Rickey
192. Rita Zobayan
193. Steve Choe
194. Gay and Alan Auerbach
195. Ginger Ogle
196. Ron Kelly
197. Shana Fruman
198. Elana Auerbach
199. Elle Kim
200. Andrew Fox
201. Marjorie Winter
202. Audrey Richards
203. Bob Flasher
204. Laura Louis
205. Ted Obbard
206. Ingrid Safranek
207. Shannon Curtis
208. Summer Brenner
209. Karen Bowen
210. Janice Schroeder
211. Jill McIntire
212. Tamara Gurin
213. Linda Laskowski



214. Jonathan Khuner
215. Stefano DellaVigna
216. Rachel Bradley
217. Barbara Lewis
218. Oren Leiman
219. Rachel Biale
220. Linda Schacht
221. Charlie Bowen
222. Susie Medak
223. Nancy Lemon
224. Colleen Busch
225. Richard Hackenberg
226. Elizabeth Shaughnessy
227. Mark Ferrari
228. Juli Dickey
229. Chris McKee
230. Lynne Clenfield
231. Ellen Archilla and Jacques Watteyne
232. Henry DeNero
233. Charlotte Ferrey
234. Deborah and David Kirshman
235. Susan Brand
236. Janine Jacobson
237. Suzanne McKee
238. Dennis Mulqueeney
239. Laura Louis
240. Henry DeNero, on behalf of The Hillside Association of Berkley
241. Susan Nunes Fadley
242. Jose Vilar
243. Allan Fix
244. Joan Guilford
245. Elizabeth Shun
246. Shirley Issel
247. JT Nelson
248. Jo Ann Driscoll
249. Nathan Mizell
250. Catherin Cavette
251. Richard Boyden
252. Elizabeth Ferguson
253. Sylvia
254. Michael McGowan
255. Amy Loebl
256. Jen Bush
257. Kelly Hammargren
258. Esther Brass-Chorin
259. Bryan Graham

260. Lisa Brenneis
261. Louis Fox and Nashua Kalil
262. Mike Lonergan
263. Bob Dixon
264. Betty Seto
265. Mary Ann Meany and Donald Santos
266. Rod Gutierrez
267. Tobey Wiebe
268. Sally Nelson
269. Charlene Woodcock
270. Naomi Pearce
271. Berkeley Police Association
272. John Caner, on behalf of the Downtown Berkeley Association
273. Lorraine Mahley
274. Sondra Schlesinger
275. Kitt Saginor
276. Diane Kanegae
277. Cecilia Lunaparra
278. Barry Fike
279. Meghan Schwartz
280. Rivka Polatnick
281. Janice Schroeder
282. 72 similarly-worded form letters urging confirmation of Police Chief Louis

**Item #26: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**

283. Supplemental material, submitted by the City Manager's Office

**Supplemental Communications and Reports 3**

**Urgent Item Agenda Material**

**Increase Funding to Housing Retention Program Contract**

284. Mayor Arreguin

**Item #4: Appointment of the Fire Chief**

285. Phyllis Orrick
286. Nancy Rader
287. Bessie Chin

**Item #5: Appointment of the Police Chief**

288. Carol Cohen
289. Nancy Gillette
290. Joan Grant
291. George Porter
292. Paul Lee
293. Nat Kane
294. John Caner, on behalf of the Downtown Berkeley Association

295. Amanda Siegel
296. Linda Kanat
297. Todd Andrew
298. Cat Zavis
299. Julianna Muthu
300. Steven Goldin
301. Zipporah Collins
302. John Parman
303. Jeff Vincent
304. Lee Bishop
305. CC Andrews
306. Taline Kazandjian
307. Frances Wong
308. Inette Dishler
309. Andrea and Stan Washburn
310. Tom Lent
311. Rick and Tamie Dishnica
312. Martin and Jill Dodd
313. Guy Micco
314. Jane Martin
315. Willie Phillips
316. Stan Goldberg
317. Stasha Vlasuk Detjens
318. Patsy Slater
319. Michele Maguier
320. Ewald Detjens
321. League of Women Voters
322. Linda Olivenbaum
323. Bessie Chin
324. Andrea Prichett
325. Marc Sapir
326. Gina Rieger
327. Michael Frantz
328. Richard Ernie Mansfield
329. Bill Lutt
330. Julia Cato
331. Barbara Johnson
332. Mary Lee Smith
333. Mati Teiblum
334. Vincent Casalaina
335. Nancy Turak
336. Patrice Ignelzi
337. Alison Huetter
338. Bill Press
339. Nicole Powell
340. Cheryl Davila

- 341. Sagar Jethani
- 342. Tatjana Radojkovic
- 343. Mohammed Ganijee
- 344. Kelly Beres
- 345. Keethly McNamara
- 346. Jim Hynes
- 347. Jenn Youakim
- 348. Elisabeth Godstein
- 349. Ash Goyal
- 350. Elke Adler
- 351. Julie Sternberg
- 352. Paul Hyde
- 353. Alejandra Caldera
- 354. Amir Koopah
- 355. V. Wong
- 356. Alice Lewicki
- 357. Akash Chhabra
- 358. Sulema Hernandez
- 359. Bahar Patel
- 360. Don Arana-Fogg
- 361. Tomas Balogh
- 362. Rodney Lambert
- 363. Mary Behm-Steinberg
- 364. Rashmi Dwivedi
- 365. Christa Rybczynski
- 366. TK Alexander
- 367. Susan Payne
- 368. Guillermo Aguilar
- 369. Moni Law

**Miscellaneous**

- 370. Urban Ore
- 371. Eid

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MAY 15, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

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## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin

**Public Comment - Limited to items on this agenda only – 2 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. *Alisha Gard vs. City of Berkeley*, Superior Court of California, Alameda County, Case No. 23CV025176.

**Action:** M/S/C (Hahn/Robinson) to authorize a settlement in the matter of *Alisha Gard v. City of Berkeley* as proposed by staff for the amount of \$82,825.

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

- b. *California Restaurant Association v. City of Berkeley*, United States Court of Appeals for the Ninth Circuit, Case No. 21-16278

**Action:** No reportable action taken.

### 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

- a. **Title of position to be evaluated:** City Attorney

**Action:** No reportable action taken.

- b. **Title of position to be evaluated:** Director of Police Accountability

**Action:** No reportable action taken.

### 3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association

**Action:** No reportable action taken.

## OPEN SESSION:

The City Council met in closed session and took action to authorize a settlement in the matter of *Alisha Gard vs. City of Berkeley*, Superior Court of California, Alameda County, Case No. 23CV025176 for the amount of \$82,825.

## Adjournment

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

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

Adjourned at 5:52 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 15, 2023.

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Mark Numainville, City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 16, 2023  
4:00 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  
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DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

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

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## Preliminary Matters

**Roll Call:** 4:09 p.m.

**Present:** Bartlett, Hahn, Wengraf, Robinson, Humbert

**Absent:** Kesarwani, Taplin, Harrison, Arreguin

Mayor Arreguin present at 4:46 p.m.

## Action Calendar – Public Hearings

1. **FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1** *(Continued from May 9, 2023) (Item Contains Supplemental Materials)*

**From:** City Manager

**Recommendation:** Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

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

**Action:** Presentation made and discussion held.

## Adjournment

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

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

Councilmember Wengraf absent 5:28 p.m. – 5:36 p.m.

Adjourned at 5:36 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 16, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**

1. Presentation, submitted by the City Manager's Office

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 16, 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

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## Preliminary Matters

**Roll Call:** 6:04 p.m.

**Present:** Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Harrison

## Action Calendar

- 1. Approval of the City of Berkeley Community Wildfire Protection Plan**  
**From: City Manager**  
**Recommendation:** Approve the City of Berkeley Community Wildfire Protection Plan (CWPP) as recommended by the Fire Chief.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** 2 speakers. M/S/C (Wengraf/Hahn) to adopt Resolution No. 70,832–N.S. approving the Community Wildfire Protection Plan amended to change the risk level nomenclature from “green, yellow, and red” to “moderate, very high, and extreme” respectively.  
**Vote:** Ayes – Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Harrison.
- 2. Fire Department Facilities Master Plan**  
**From: City Manager**  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** 3 speakers. Presentation made and discussion held.

## Adjournment

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

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

Adjourned at 9:07 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 16, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Approval of the City of Berkeley Community Wildfire Protection Plan**

1. Presentation, submitted by the Fire Department

### **Item #2: Fire Department Facilities Master Plan**

2. Presentation, submitted by the Fire Department

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 23, 2023  
4:00 PM**

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TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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## Preliminary Matters

**Roll Call:** 4:07 p.m.

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

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:11 p.m.

Councilmember Bartlett present at 4:46 p.m.

Councilmember Kesarwani present at 4:56 p.m.

## Action Calendar

1. **Unfunded Liability Obligations and Unfunded Infrastructure Needs** (*Continued from April 11, 2023.*)

**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:** 1 speaker. M/S/C (Arreguin/Harrison) to accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:39 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 23, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Unfunded Liability Obligations and Unfunded Infrastructure Needs**

1. Presentation (Pension and OPEB), submitted by the City Manager's Office
2. Presentation (Funding Study), submitted by the City Managers' Office



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 23, 2023**  
**6:00 PM**

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## Preliminary Matters

**Roll Call:** 6:14 p.m.

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

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the 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:

1. Recognition of May as Mental Health Month

### City Auditor Comments:

The City Auditor provided an update on the progress by the Police Department and Public Works Department on their audit report recommendations.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 3 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 7 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials on Item 46 from Councilmember Harrison.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a second reading of Ordinance No. 7,861-N.S. adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,861–N.S.
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**  
**From: Sharon Friedrichsen, Budget Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,862-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,940,780 (gross) and \$29,658,924 (net).  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,862–N.S.
- 3. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPPRA Cost Sharing Agreements**  
**From: Aram Kouyoumdjian, Human Resources**  
**Recommendation:** Adopt second reading of Ordinance No. 7,863-N.S. amending the City’s contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.  
**Financial Implications:** See report  
**Contact:** Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted second reading of Ordinance No. 7,863–N.S.

## Consent Calendar

- 4. Appointment of Emergency Standby Officers for City Council District 8 and District 2**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,833–N.S.
- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 6. Police Accountability Board – Appointment of New Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,834–N.S.

## Consent Calendar

- 7. Assessments: Telegraph Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the TBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,835–N.S.
- 8. Assessments: Berkeley Tourism Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,836–N.S.
- 9. Assessments: North Shattuck Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,837–N.S.
- 10. Assessments: Downtown Berkeley Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,838–N.S.

## Consent Calendar

- 11. Contracts: On-Call Fine Art Services Providers for the Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:
1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
  2. Kala Art Institute, for an amount not to exceed \$100,000.
  3. Preservation Arts LLC, for an amount not to exceed \$200,000.
  4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.
- Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,839–N.S. (Atthowe); Resolution No. 70,840–N.S. (Kala); Resolution No. 70,841–N.S. (Preservation); and Resolution No. 70,842–N.S. (ShipArt).
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 23, 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 - \$1,907,987  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 13. Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend and extend the City's contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.  
**Financial Implications:** \$975,000.  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,843–N.S.

## Consent Calendar

- 14. Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,844–N.S.
- 15. Notice of Appropriations Limit for Fiscal Year 2024**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,845–N.S.
- 16. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,846–N.S.
- 17. Piggyback Contract – Data Ticket for Administrative Citation Processing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473, Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,847–N.S. as amended in Supplemental Communications Packet #1 from the City Manager's Office.

## Consent Calendar

- 18. Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:  
1. Tuberculosis Control Program, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.  
2. Public Health Infrastructure Program, in the projected amount of \$32,080 for FY 2024 from Alameda County.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,848–N.S. (Tuberculosis); and Resolution No. 70,849–N.S. (Public Health).
- 19. Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services. The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,850–N.S.
- 20. Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,851–N.S.



## Consent Calendar

- 21. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,852–N.S.
- 22. Contract: Accela, Inc. for Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.  
**Financial Implications:** Various Funds - \$299,710  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,853–N.S.
- 23. Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.  
**Financial Implications:** Various Funds - \$399,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,854–N.S.

## Consent Calendar

- 24. Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, 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 Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.  
**Financial Implications:** Various Funds - \$436,954  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,855–N.S.
- 25. Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.  
**Financial Implications:** See report  
 Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Approved recommendation.
- 26. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)**  
**From: City Manager**  
**Recommendation:** See Policy Committee Recommendation  
*Policy Committee Recommendation: Send the item to City Council with a positive recommendation that Council:*  
 1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.  
 2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.  
**Financial Implications:** See report  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Approved as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

## Consent Calendar

27. **Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,856–N.S.
28. **Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,857–N.S.
29. **Development of Artists Affordable Housing Certification Program**  
**From: Civic Arts Commission**  
**Recommendation:** Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.  
**Financial Implications:** See report  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
**Action:** Approved recommendation.

## Consent Calendar

30. **Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.  
*Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.*  
**Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400  
**Action:** Referred to the Budget & Finance Committee.
31. **Contract: AppleOne Employment Services for Temporary Staffing Services**  
**\*\*\*Removed from the agenda by the Director of Police Accountability\*\*\***  
**From: Director of Police Accountability**  
Hansel Aguilar, Police Accountability Board, (510) 981-4960

## Council Consent Items

32. **Resolution to Support SB 532**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,858–N.S.
33. **Addressing Hyundai and Kia Car Thefts**  
**From: Mayor Arreguin (Author)**  
**Recommendation:**  
1. Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.  
2. Direct the City Attorney to explore taking legal action against Hyundai and Kia.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Harrison and Hahn and Vice-Mayor Bartlett added as co-sponsors. 1. Adopted Resolution No. 70,859–N.S. 2. Approved recommendation.

## Council Consent Items

- 34. Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,860–N.S.
- 35. Budget Referral: Vision Zero Improvements at 6th & Addison Intersection**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 36. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event 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, and from any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** 1. Adopted Resolution No. 70,861–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Robinson - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$200; Mayor Arreguin - \$250. 2. Adopted Resolution No. 70,862–N.S. (Co-Sponsorship).

## Council Consent Items

37. **FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

*Policy Committee Recommendation: to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:*

**SUBJECT LINE**

*FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.*

## Council Consent Items

### *RECOMMENDATION*

*Refer \$250,000 to the June 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards, to:*

- 1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);*
- 2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;*
- 3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;*
- 4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;*
- 5. Enhance the viability of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including potential reduced rents/right to return for existing establishments, appropriately-sized and accessible commercial spaces, and rent-controlled commercial spaces as a potential community benefit. Examples of such neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, clothing and gift shops.*
- 6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.*

**Financial Implications:** See report

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

**Action:** Approved as recommended by the Land Use, Housing, & Economic Development Committee with a correction to #5 to use the original text for #5 that does not reference commercial rent control.

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – Kesarwani.

## Council Consent Items

- 38. Support for H.R.603 - HEAL Act**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.  
**Financial Implications:** Staff time  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,863–N.S.
- 39. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.  
**Financial Implications:** See report  
Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 70,864–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$500; Councilmember Kesarwani - \$200.

## Action Calendar – Public Hearings

- 40. ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 2 speakers. Appeal withdrawn prior to the meeting. No action taken.



## Action Calendar – Public Hearings

- 41. Fee Increase: Condominium Conversion Program Application Fee**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Taplin) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,865–N.S.  
**Vote:** All Ayes.
- 42. Fee Increase: Condominium Conversion Program Subordination Fee**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,866–N.S.  
**Vote:** All Ayes.
- 43. Fee Increase: Below Market Rate (BMR) Housing Monitoring Program**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 1 speaker.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,867–N.S.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 44. Selected Marina Fee Increases

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,868–N.S.

**Vote:** All Ayes.

### 45. Changes to Selected Parks and Recreation Fees

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,869–N.S.

**Vote:** All Ayes.

Recess 8:02 p.m. – 8:22 p.m.

## Action Calendar – New Business

**46. Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

**From:** City Manager

**Recommendation:** Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

**Financial Implications:** See report

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

**Action:** M/S/Failed (Humbert/Taplin) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** Ayes – Kesarwani, Taplin, Wengraf, Robinson, Humbert; Noes – Bartlett, Harrison, Hahn, Arreguin.

**Action:** 16 speakers. M/S/Carried (Arreguin/Hahn) to schedule Item 46, including the supplemental materials submitted, the June 13, 2023.

**Vote:** All Ayes.

## Council Consent Items

**47. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

**From:** Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)

**Recommendation:**

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

**Financial Implications:** Loss of tax revenue

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Councilmembers Harrison and Humbert added as co-sponsors. Item held over to June 27, 2023.

## Information Reports

48. **Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Received and filed.
49. **Audit Recommendation Status - Data Analysis of the City of Berkeley’s Police Response**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Referred to Public Safety Committee.
50. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Referred to the Budget & Finance Committee.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on May 23, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk

## Communications

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

1. Stephen Bedrick

**Item 47: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

2. High Fidelity Dispensary

## Encampments

3. Craig Nagasawa

**Asha Tea House Unhoused Individual**

4. Diana Lui, on behalf of the Asha Tea House
5. Sergeant Kevin Kleppe, Berkeley Police Department

**Willard Clubhouse**

6. Kathryn Golden and Ashley James
7. Alexander Stec
8. Judith Bebbelaar
9. Mary Oram
10. Kinga Chomicz
11. Marcia Levenson
12. Sabina Tuleja
13. Cal Collier
14. Randolph and Frances Starn
15. Greenfire Law
16. Paul Tuleja
17. Patrick Kehoe
18. Maria Kiernik
19. Russ Greene
20. Roger Abraham and Maureen Crosgrove
21. Deborah Roosevelt
22. David Kellogg

**Crime in Berkeley**

23. Sheila Press
24. Dee Williams-Ridley, City Manager

**Berkeley Waterfront**

25. Roberta Wyn, on behalf of Citizens for East Shore Parks
26. Susan Schwartz
27. Friends of Five Creeks

**Golden Gate Fields**

28. Miriam Maxwell
29. Tweed Conrad
30. Christopher Kroll

**Reparations**

31. Mike Chang
32. George Torgun (2)

**Measure T1**

33. Eric Friedman

**Slavery**

34. Don Wrafter

35. Joseph Cruickshank

**Berkeley, a Smart City**

36. Helen Gallegos Evans

**AB 73: Idaho Stops for Bicyclists**

37. Leni Siegel

**City Hall Video**

38. Tracy Eaves

**Trash Bins**

39. John Rice

**Vision Zero Implementation**

40. Steve Lipson

**Racial Profiling**

41. Elana Auerbach

**Add Domestic Violence Back to Berkeley Police Department**

42. Mee345@

**Thank You from Kala**

43. Ellen Lake, on behalf of the Kala Art Institute

**Hopkins Corridor**

44. Ben Gerhardstein

45. Marguerite Lee

**Tenant Opportunity to Purchase Act (TOPA)**

46. Merle Lustig

47. Holly Scheider

48. John Holme

**U.A. Theater Demolition**

49. Hal Erickson

**ADU's in Berkeley**

50. Mark Gilligan

**Environment Justice, Policy and Sustainability**

51. Ken Noji

**1307 Dwight Way**

52. Kaufman Dolowich Voluch Law Firm

**RPP Permit Renewal**

53. Jack Kurzweil

**Wildfire Preparedness Week**

54. David Sprague, Fire Chief

**URL's Only**

55. Susan Nunes Fadley

56. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #17: Piggyback Contract – Data Ticket for Administrative Citation Processing**

57. Supplemental material, submitted by the City Manager's Office

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP 2022-0087**

58. Kanta Morinaga

**Supplemental Communications and Reports 2**

**Item #37: FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing**

59. Melinda Howard-Herrarte, on behalf of the Sierra Club

**Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

60. Supplemental material, submitted by Councilmember Harrison

61. Andrew Goldberg

62. Charles Goldberg

63. Tracy Rosenberg, on behalf of Oakland Privacy

64. Lisa Mott

65. Ganesh Ramamurthy

66. Allyson Arons

67. Sandy Lee

68. V. Wong

69. Grace Hartman

70. Alex Goldberg

71. Jill Travis

72. August Wagele

73. 14 Similarly worded letters

**Supplemental Communications and Reports 3**

**Item 32: Resolution to Support SB 532**

74. Barbara Gilbert

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

75. Stephen Bedrick (2)

76. Alex Georges

**Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

77. Presentation, submitted by the Berkeley Police Department

78. Supplemental material, submitted by Councilmember Harrison

79. Glomax

80. Damian Park

81. Deanna Mason

82. Jan Schinhofen

83. John Parman

84. Taline

85. Arabelle Malinis

86. Gabriela Giacchino

87. Jeff Vincent

88. John-Mario Arcilla Sevilla

89. Susan Payne

90. Paul Rickey

91. John Ho

92. Tracee Farrell

93. Fran Haselsteiner

94. Hansel Aguilar, Police Accountability Board (2)

95. Mark Numainville, City Clerk

96. Moni Law

97. Josh Buswell-Charkow

**Miscellaneous**

98. Message from Eid