



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, July 11, 2023

6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 18315 RAY'S ROAD, CABIN 5, PHILO, CA 95466

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1607533030>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 753 3030**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

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

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

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

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

Consent Calendar

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

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

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

Consent Calendar

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

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

Consent Calendar

- 1. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager, City Manager
Recommendation: Adopt second reading of Ordinance No. 7,877-N.S. setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
- 2. FY 2024 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager, City Manager
Recommendation: Adopt second reading of Ordinance No. 7,878-N.S. setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
- 3. FY 2024 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,879-N.S. adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$728,631,293 (gross appropriations) and \$621,229,929 (net appropriations).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Consent Calendar

- 4. 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), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,880-N.S. adopting 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.
First Reding Vote: All Ayes.
Financial Implications: Loss of tax revenue
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 5. Encampment Resolution Funding Grant Award**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive a \$4,931,058 Encampment Resolution Funding Round 2 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 6. Urgency Ordinance for Leasing the Real Property at 1619 University Avenue**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 1619 University Avenue, Berkeley for a term of 60 months.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 7. Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Berkeley Food and Housing Project to operate an interim housing program at the Super 8 Motel (1619 University Ave.) in an amount not to exceed \$7,295,635 for the period of August 1, 2023 to July 31, 2028
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

- 8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 11, 2023**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$482,500
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 9. Contract: Strategic Economics and Street Level Advisors for Affordable Housing Requirements Economic Feasibility Analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Strategic Economics as a Contractor and Street Level Advisors as a subcontractor, to conduct an Economic Feasibility Analysis of the Affordable Housing Requirements for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$68,000 of Mental Health Services Act (MHSA) funding for the Specialized Care Unit for a not-to-exceed total of \$4,568,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$53,424, bringing the contract total to an amount not to exceed \$109,218 and extending the end date through May 12, 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 12. California Department of Housing and Community Development (HCD) Prohousing Designation Program Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City of Berkeley's application to and participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements, and Police Employees Retiree Income Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000226 with MidAmerica Administrative & Retirement Solutions for administration of the SRIP I Disability, Retiree Health Premium Assistance Plan (RHPAP) Health Reimbursement Account (HRA), and Police Employees Retiree Income Plans (PERIP) for the period covering January 1, 2021 through December 31, 2025, for a total cost not to exceed \$233,736.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 14. Contract No. 32300158 Amendment: AppleOne Employment Services for Temporary Staffing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300158 with AppleOne Employment Services for temporary staffing services, to cover the period February 1, 2023 to June 30, 2025, for a total cost not to exceed \$750,000.
Financial Implications: Various Funds - \$750,000
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 15. Revisions to the Unrepresented Employee Manual**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute changes to the Unrepresented Employee Manual that (1) effectuates merit raises for employees on salary ranges on their anniversary date in their current classification; (2) aligns vacation accrual, longevity pay rates, vacation sell-back policies, and a certification differential for the Fire Chief, the Police Chief, and their deputies with the corresponding provisions of the Memoranda of Understanding with the Berkeley Fire Fighters Association and the Berkeley Police Association; and (3) includes Accounting Office Specialists III among the classifications that qualify for the City Manager Department Differential.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

16. Supplemental Military Leave Compensation Policy

From: City Manager

Recommendation: Adopt a Resolution extending Resolution No. 63,646-N.S. to offer the City's supplemental military leave compensation benefit retroactively from June 1, 2019 to June 30, 2025 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two (2) years that must be taken within 36 months of the leave request for employees called up to involuntary active military service. To receive the retroactive payment the employee must have been employed with the City of Berkeley at the time of active duty and remained employed with the City of Berkeley at the time of payment.

Financial Implications: See report

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

17. Accepting grant funds from the Alameda County Transportation Commission for the Berkeley Pier Water Transportation / Ferry Project

From: City Manager

Recommendation: Adopt a Resolution accepting the Alameda County Transportation Commission grant allocation for the Berkeley Pier Water Transportation/ Ferry Project in the amount of \$5,138,685, confirming the City's commitment to the Alameda County Transportation Commission grant requirements, and authorizing the City Manager to execute the associated grant agreement and amendments.

Financial Implications: Grant Revenue - \$5,138,685

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

18. Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$75,000 for a new not to exceed amount of \$225,000 and extend the contract term from December 20, 2023 to June 30, 2025.

Financial Implications: See report

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

Consent Calendar

19. Contract No. 32300022 Amendment: Public Safety Family Counseling Group Inc. for Additional Critical Incident Stress Management (CISM), Education and Counseling Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300022 with Public Safety Family Counseling Group Inc. to provide additional CISM Peer Support Team support, education and counselling services, for a total amount not to exceed \$150,000 for a total contract amount not to exceed \$200,000, and extending the term through June 30, 2026.

Financial Implications: See report

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

20. Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/Programs

From: Housing Advisory Commission

Recommendation: Conduct a study that is comprehensive of the following actions: - Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Council Consent Items

21. Berkeley Housing Authority Board of Commissioners Re-Appointments

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution re-appointing Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani to the Berkeley Housing Authority Board of Commissioners.

Financial Implications: None

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

Council Consent Items

- 22. Support Rooftop Solar and Battery Storage for Multifamily Housing and Schools**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of viable Virtual Net Energy Metering (VNEM) and Net Energy Metering Aggregation (NEM-A) tariffs. Submit a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 23. Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of up to \$5,000 from Mayor Arreguín, and any other Councilmembers, to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, with funds relinquished from the City's General Fund for the purpose of hiring of grounds keepers and providing the resources needed for the maintenance of the Chavez/Huerta Tribute Site, from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.
Financial Implications: \$5,000 – Mayor's Discretionary Fund
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 24. Excused Absence for Vice Mayor Ben Bartlett**
From: Mayor Arreguin (Author)
Recommendation: Excuse Vice Mayor Ben Bartlett from the June 6, 2023 Council meeting as a result of an illness of a close family member who needed immediate care.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 25. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.
Financial Implications: \$500 – Councilmember's Discretionary Fund
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

26. **Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund.
Financial Implications: \$500 – Councilmember's Discretionary Fund
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
27. **Resolution for unionized employees of REI**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor) Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution of Support for the unionized employees of Recreational Equipment, Inc. (REI) in Berkeley, California that instructs REI to live up to its values, by ceasing to withhold the 2022 "Summit Pay", and bargain in good faith.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
28. **Relinquishment of Council Office Budget Funds and Co-Sponsorship of the César Chávez Dolores Huerta Tribute Site Curriculum Project**
From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution approving an expenditure of D13 funds and cosponsorship of the César Chávez/Dolores Huerta Tribute Site Curriculum Project, with \$250 relinquished to the City's general fund for this purpose each from Mayor Arreguín's and Councilmember Harrison's discretionary Council Office Budget Funds, and from any other Councilmembers who would like to contribute.
Financial Implications: \$250 – Councilmembers' Discretionary Fund
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
29. **Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution opposing Tokyo Electric Power Company (TEPCO) and the government of Japan's plan to discharge wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean and send copies of this resolution to Secretary Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

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

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

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

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

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

Financial Implications: None

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

Action Calendar – New Business

31. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by January 2024, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented. Some of our recommendations include: establish retention goals and conduct an analysis of staff needed for city operations and services; consider staff capacity around new legislation; take steps to improve employee satisfaction; identify opportunities for efficiency in the hiring process, and modernize its recruiting process; expand the telework policy to align with best practices; and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Action Calendar – New Business

- 32. Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**
From: City Manager
Recommendation: Adopt a Resolution to create an Affordable Housing Preference Policy applicable to new residential housing units created via the Below Market-Rate (BMR) and the Housing Trust Fund (HTF) programs consistent with Fair Housing law and government funder approvals, and direct the City Manager to adopt guidelines to administer the Housing Preference Policy.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 33. Adoption - Civic Center Phase II - Design Concept**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley's Civic Center Design Concept Plan, and declaring Council's intention to support the preferred design concept and necessary future studies and projects articulated in the plan.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Council Action Items

- 34. Dedicated Public Comment Time for City of Berkeley Unions**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution (Attachment 3 + Exhibits A and B to the report) revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting to:
1. Create a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, immediately following the existing initial ten-minute period of public comment on non-agenda items.
 2. Rescind Resolution No. 70,725–N.S.
- Financial Implications:** None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Action Items

35. **De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use** *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*
From: Health, Life Enrichment, Equity & Community Committee
Recommendation: Approve the Resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee (Attachment 1), in lieu of the Resolutions provided in the originally referred item and by the Community Health Commission.
Policy Committee Recommendation: to send the item to Council with a qualified positive recommendation to approve the Resolution in the form and as amended by the committee. There is no “mark-up” of the CHC resolution because what the Committee decided to pass is a full rewrite.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150, Ben Bartlett, Councilmember, District 3, (510) 981-7130, Mark Humbert, Councilmember, District 8, (510) 981-7180

Information Reports

36. **Annual Report on Landmarks Preservation Commission (LPC) Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
37. **City Auditor Fiscal Year 2024 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or

any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 29, 2023.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

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

**Item #18: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring**

1. Steven Lipson
2. Councilmember Hahn

**Item #29: Adoption - Civic Center Phase II - Design Concept**

3. Jennifer Lovvron, Civic Arts Commission Secretary
4. Jack Kurzweil
5. Diana Bohn
6. Stephen Most
7. Juliet Lamont and Phil Price
8. Tom and Jane Kelly
9. Rachel Katz
10. Steven Finacom
11. Erin Biehm

**Hopkins Corridor – Repave and/or Bike Lanes**

12. Kester Allen
13. Janet Stromberg
14. David Brandon
15. Kathleen Haberer
16. Kevin Jones
17. David Sochowitzky
18. Ernesto
19. Kori Kody
20. Jose Arau
21. Marguerite Lee
22. Trarie Kottkamp
23. Lily Liang
24. Verna Winters
25. Constance Anderson
26. Jeffrey Kaplan
27. Susan Taylor
28. Matthew Skinner
29. Theresa Malki
30. David Coolidge
31. Shirley Kirsten
32. Amber Crowley
33. Barbara Gilbert
34. Meryl Siegal
35. Jennifer Winch
36. Jeanne Allan
37. Barbara Englis
38. Peggy Radel
39. Marguerite Tompkins
40. Sheridan Pauker
41. Michael Frantz
42. Rachel Bradley



43. Isabelle Gaston
44. Jan Woo
45. Dahlia Armon
46. Jean Weininger
47. Renate Crocker
48. Paul Elmore
49. Jacqueline Wilson
50. Susan DeMersseman
51. Justin Kao
52. Dan Alpert
53. Katherine de Runtz
54. Catherine Ryan
55. Steven and Judy Lipson
56. Ernie Mansfield
57. Kay Englund
58. Helen Toy
59. Eric
60. Melanie O'Hare
61. Ilyse Gordis
62. Constance Rivemale
63. Janice Murota
64. Rachel Hope Crossman
65. Stephen Wood
66. Ann Campbell
67. Janice Hamer
68. Jeanne Friedman
69. Zara Ortiz
70. Gar Smith
71. Joan Garvin
72. Richard Tamm
73. Grace Munakata
74. George and Wendy Draper
75. Friends of Hopkins Street
76. John Hitchen
77. Jessica Livingston
78. Timothy Ross
79. Kim Markison
80. Fiona Baker
81. Margret Leventhal
82. Pamela Zelnik
83. Shirley Kirsten
84. Bruce Chamberlain
85. Soleil Taylor
86. Jonah Gollub
87. Shirley Kirsten
88. AJ Romano

- 89. Bill Hackman
- 90. Cindi And Howard Goldberg

### **Fire Department Consultant Report**

- 91. Michael Wilson (2)
- 92. Liza Lutzker, on behalf of Walk Bike Berkeley
- 93. Stephen Dalton

### **Natural Gas Ban**

- 94. John Caner, on behalf of the Downtown Berkeley Association

### **Horse Deaths**

- 95. Nancy Veerhusenb
- 96. Christopher Kroll
- 97. Acacia Schmidt
- 98. TC Conrad

### **Celebrating Susan Felix**

- 99. Toby Furash

### **Unhoused Toileting Letter**

- 100. Friends of Five Creeks

### **Fully Fund African American Holistic Resource Center**

- 101. Boona Cheema

### **Kudo's for the Fire Department**

- 102. L.J. Cranmer

### **Rent Board Billing Errors**

- 103. Morris

### **Healthy 4 Change Health Conference**

- 104. Ayanna Davis, on behalf of Healthy Black Families

### **“Read Banned Books”**

- 105. Todd Andrew
- 106. Aimee Reeder, on behalf of the Berkeley Public Library

### **1740 San Pablo Multifamily Housing Program**

- 107. Rachel Durney, NorCal Development, BRIDGE

### **Overhead Utility Wires**

- 108. Maria Riddle

### **Automated License Plate Readers**

- 109. Elana Auerbach
- 110. Diana Bohn

### **Surveillance Cameras**

- 111. Toni Mester

### **City Dysfunction**

- 112. Bob Flasher

### **St. Paul AME Church and Ephesian Church of God Applying for Funding**

- 113. Norma Thompson, on behalf for Community Housing Development Corporation

### **Help Business' Get Off the Ground**

- 114. Geoff Lomax

### **Fireworks in South Berkeley**

- 115. Pamela Michaud (3)
- 116. Mike Kim

### **My Tenant's Rights Stolen by City of Berkeley**

- 117. Deborah Black

### **Transphobia in Berkeley and Albany**

- 118. Kirstyn Russell and Melissa Neal

### **Asking for Help from the Mayor and Council**

- 119. Benjamin Stein

### **URL's Only**

- 120. Vivian Warkentin (3)

### **Supplemental Communications and Reports**

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

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

