



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, September 13, 2022
6:00 PM

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 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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.

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/1611765730>. 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: **161 176 5730**. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

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

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

Preliminary Matters

Roll Call:

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

1. Pledge of Allegiance to the Flag
2. Adjourn in memory of Leisl Griffith Redmond, City of Berkeley Employee
3. Adjourn in memory of Neil Mayer, Former City of Berkeley Employee

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. 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 for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

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

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

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

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

Recess Items

- 1. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems, Inc. for Electronic Health Records**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc., increasing the amount by \$188,955 for a total contract value not to exceed \$1,008,291 and extending the term from September 30, 2010 through June 30, 2024.
Financial Implications: See report
Contact: LaTanya Bellow, Information Technology, (510) 981-6500
- 2. Contract No. 31900288 Amendment: Disability Access Consultants for ADA Transition Plan**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 31900288 with Disability Access Consultants (DAC) for Americans with Disabilities Act (ADA) Transition Plan and On-Call ADA accessibility consulting services, increasing the contract amount by \$122,000 for a total not-to-exceed amount of \$606,800 and extend the contract term to June 30, 2023.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 3. Contract No. 32100194 Amendment: Bay Cities Paving & Grading, Inc. for Construction and Repairs**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100194 with Bay Cities Paving & Grading, Inc. for work on the Street Rehabilitation FY 2021 Project, Specification No. 21-11422-C, increasing the current contract amount by \$260,000, for a total amount not to exceed \$4,556,733.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 7 (closed), July 12 (closed and regular), July 18 (closed), July 26 (special and regular) and August 3 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 5. Contract: Municipal Resource Group for Addressing Impacts Resulting from Great Resignation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Municipal Resource Group (MRG) for professional services needed to respond to the impacts within the City as a result of the Great Resignation. Total contract direct costs will not exceed \$87,675.
Financial Implications: General Fund - \$87,675
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 6. Contract No. 32100053 Amendment: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100053 with Orsolya Kuti for on-site veterinary services for Berkeley Animal Care Services, increasing the contract amount by \$8,000 for a new total not to exceed amount of \$228,000, and extending the contract term to September 14, 2023.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 13, 2022**
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 - \$440,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 8. Request for Proposal for Project Homekey**
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager to: 1. Release a Request for Proposals (RFP) for a Homekey Round 3 Project; and 2. Consider a reservation of up to \$8.5M in General Funds collected pursuant to Measure P, and/or other funding source, to support a future Homekey project.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

9. Contract: Tiana Sanchez International LLC for HHCS Equity Consultant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Tiana Sanchez International, LLC. (Contractor) to provide equity consulting services for the Department of Health, Housing and Community Services (HHCS) from October 1, 2021 to May 30, 2023 in an amount not to exceed \$120,000.

Financial Implications: See report

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

10. Contract No. 31900043 Amendment: Kings View Professional Services for Mental Health Reporting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900043 with Kings View Professional Services to provide mental health financial reporting services through June 30, 2024 in an amount not to exceed \$220,628.

Financial Implications: Mental Health Realignment-Administration Account - \$57,100

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

11. Accept Future of Public Health Funds from the State of California

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and to execute any resultant revenue agreements and amendments for the Future of Public Health program for an amount of \$912,213 for the Fiscal Year 2023.

Financial Implications: See report

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

12. Donation of Painting Services from MB Jessee Painting, Inc.

From: City Manager

Recommendation: Adopt a Resolution accepting the donation of painting services and materials from MB Jessee Painting, Inc., estimated to be a value of \$8,994, to paint interior areas of 1900 6th Street building in accordance with Administrative Regulation 3.19, Donations to the City from Individuals of Outside Organizations.

Financial Implications: \$8,994 (Donation)

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

Consent Calendar

13. Contract No. 8392 Amendment: Innovative Claim Solutions (ICS) for claims administration of the City's Workers' Compensation Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to extend Contract No. 8392 with Innovative Claims Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), for an additional term of three years from July 1, 2022 through June 30, 2025 at a decreased annual rate of \$570,000 for a total contract amount of \$7,393,611 for year 2023.

Financial Implications: See report

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

14. AHEAD, Inc: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, Inc. ("AHEAD") for the purchase of Varonis software licenses and professional services, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$71,481 for a total amount not-to-exceed \$236,305, and the period beginning September 29, 2022 through September 28, 2023.

Financial Implications: IT Cost Allocation Fund - \$71,481

Contact: LaTanya Bellow, Information Technology, (510) 981-6500

15. Lease Agreement: 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park with Waterside Workshops

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Waterside Workshops to use the 80 (North Building), 82/84 & 90 Bolivar Drive in Aquatic Park for a lease term anticipated to begin November 1, 2022 and ending November 1, 2031.

Financial Implications: See report

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

16. Donation: Memorial Bench at the Cesar Chavez Park in memory of Walt and Trudee Rowson

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Cesar Chavez Park at the Berkeley Marina in memory of Walt and Trudee Rowson.

Financial Implications: \$3,400 (Donation)

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

Consent Calendar

- 17. Donation: Memorial Bench at the Cesar Chavez Park in memory of Don Rothenberg**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Cesar Chavez Park at the Berkeley Marina in memory of Don Rothenberg.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 18. Donation: Memorial Bench at the Indian Rock Park in memory of Dave Altman**
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 Indian Rock Park at the Berkeley Marina in memory of Dave Altman, a longtime Berkeley rock climber and a treasured member of the rock-climbing community.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 19. Contract: Bellingham Inc. to Replace and Repair Docks at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bellingham Inc. to repair and replace docks at the Berkeley Marina in a total amount not-to-exceed \$550,000, which includes a contract amount of \$480,000 and a 14.58% contingency in the amount of \$70,000.
Financial Implications: Marina Fund - \$550,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Revenue Grant: California Office of Traffic Safety (OTS) for the 2023 "Selective Traffic Enforcement Program (STEP) Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$180,000 for the period of October 1, 2022 through September 30, 2023, which is Federal Fiscal Year 2023
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

21. 2022 Vision Zero Program Grant Applications

From: City Manager

Recommendation: Adopt three Resolutions:

1. Certifying that the Berkeley Vision Zero Action Plan, the Berkeley Bicycle Plan, and the Berkeley Pedestrian Plan, collectively meet the Safe Streets and Roads for All grant program requirement for a Comprehensive Safety Action Plan.
2. Authorizing the City Manager to submit a grant application to the federal Safe Streets and Roads for All (SS4A), accept the grant awarded, and execute any resultant agreements and amendments.
3. Authorizing the City Manager to submit a grant application to the federal Reconnecting Communities Pilot Grant Program (RCP), accept the grant awarded, and execute any resultant agreements and amendments.

Financial Implications: See report

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

22. Red Curbs and Visible Signage

From: Disaster and Fire Safety Commission

Recommendation: The Disaster and Fire Safety Commission (“Commission” or “DFSC”) respectfully requests that Council immediately take the following remedial actions to improve emergency vehicle access and residents’ ability to evacuate in the event of a wildfire, while we await implementation of more comprehensive long-term actions such as the Safe Passages program. In identified high fire risk areas (Fire Zones 2 and 3) and in other high-risk areas, such as where hazardous chemicals are stored or used: 1. Inspect, fix or replace all parking restriction signage as necessary; 2. Red curb all fire hydrant areas to the maximum extent allowed by law; and 3. Direct the Fire Department and Public Works to identify areas that could be pinch points for fire trucks to travel.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

23. Appointment of Judy Appel to Mental Health Commission for the City of Berkeley

From: Mental Health Commission

Recommendation: Adopt a Resolution appointing Judy Appel as a representative of the Special Public Interest Category (family member), to complete her first 3- year term beginning September 14, 2022 and ending September 13, 2025.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

24. Taking Action on the City of Berkeley’s Commitment to Abortion Access

From: Peace and Justice Commission

Recommendation: Adopt a Resolution Taking Action on the City of Berkeley’s Commitment to Abortion Access.

Financial Implications: Staff time

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

Council Consent Items

25. **Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin to the Pacific Center for Human Growth, for the planning and production of a historical quilt to honor their 50th anniversary. Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$1,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
26. **Ordinance Amendment: Correction to the COVID-19 Emergency Response Ordinance, BMC Chapter 13.110.**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt the first reading of an Ordinance correcting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance, to clarify the effect of Ordinance No. 7,762-N.S. upon tenant protections that were inadvertently omitted during the last update of BMC Chapter 13.110.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
27. **Resolution in Support of High-Quality, Equitable Healthcare Services at UCSF Children's Hospital Oakland**
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution in support of patients, nurses, doctors, caregivers and other employees at UCSF Children's Hospital Oakland; and send resolution to the UC Board of Regents, UC Office of the President, and UCSF Health.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
28. **Berkeley Youth Alternatives (BYA) Charity Golf Classic: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the 4th Annual Charity Golf Classic hosted by Berkeley Youth Alternatives (BYA).
Financial Implications: Councilmember's Discretionary Funds - \$200
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 29. California Marriage Equality Resolution (Prop 8 Repeal)**
From: Councilmember Taplin (Author), Councilmember Droste (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution Urging the California Legislature to Place a Measure on the Ballot to Repeal Article I Section 7.5 of the State Constitution, a.k.a. Proposition 8; and send copies to the Offices of the Speaker of the Assembly, Senate President Pro Tempore, and Governor.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 30. Referral: Keep Innovation in Berkeley** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)
From: Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager and the Planning Commission to consider and return to Council with Zoning Ordinance amendments, codified performance standards, and other actions to encourage the growth and retention of Research & Development (R&D) in Berkeley. Staff and the Commission should explore: 1. Naming R&D as an allowed land use in the commercial districts of Telegraph (C-T and C-C), West Berkeley (C-W), University (C-U), and Downtown Berkeley (C-DMU) with a Zoning Certificate, subject to performance standards. a. Performance standards should regulate and mitigate potential impacts on quality of life, public health, and environmental health, such as noise, odors, fumes, vibrations, dust, light pollution, hours of operation, and disposal and storage protocols for flammable, combustible, chemical, and hazardous substances. 2. Updating the “District Purpose” sections of the MM and MU-LI districts to specifically embrace R&D. Consider doing the same for other districts where R&D is allowed, if deemed appropriate. 3. Amending R&D parking requirements in M-prefixed districts to align with Laboratory parking requirements and in C-prefixed districts, excluding C-T, to align with Manufacturing parking requirements. 4. Reviewing Berkeley Municipal Code 23.206.080 to ensure that language regulating Biosafety Level (BSL) Classes 1-4 is clear and consistent with regulations in neighboring jurisdictions and other cities that support a broad range of R&D. Consider repealing the section or amending it to permit BSL-2 in all districts where research and development facilities or laboratories are permitted. 5. Returning to Council with additional recommendations, if any, that would serve to encourage R&D in Berkeley, as determined by staff or that present themselves through the Planning Commission process.
Policy Committee Recommendation: Approve the item with a positive recommendation.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

- 31. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Center for Independent Living's 50th Anniversary**
From: Councilmember Robinson (Author), Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmember Robinson and Councilmember Bartlett, to the Center for Independent Living to fund a Berkeley mural project, street festival, CIL open house, three-day conference on independent living, and other activities for their 50th Anniversary.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. 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.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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 – Old Business

- 32. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers** *(Continued from July 26, 2022. Item contains revised and supplemental materials)*
From: City Manager
Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.
Financial Implications: None
Contact: Jennifer Louis, Police, (510) 981-5900; LaTanya Bellow, City Manager's Office, (510) 981-7000

Action Calendar – New Business

- 33. An Ordinance Repealing Chapter 12.76 of the Berkeley Municipal Code and Repealing Ordinance 7643-NS.**
From: City Manager
Recommendation: Adopt first reading of an ordinance repealing Chapter 12.76 of the Berkeley Municipal Code and repealing Ordinance 7643-NS.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950, Dee Williams-Ridley, City Manager, (510) 981-7000, Paul Buddenhagen, City Manager's Office, (510) 981-7000

Council Action Items

- 34. Equitable Safe Streets and Climate Justice Resolution** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Taplin (Author)
Recommendation: Adopt a resolution committing the expenditure of City and state/federal matching/recurring funds on city-maintained roads, sidewalks, and bike lanes to accelerate safety improvements in a manner consistent with City, State, and Federal policy on street safety, equity, accessibility, and climate change; refer to the City Manager fully integrate Complete Streets design as defined by the NACTO Urban Street Design Guide in the default engineering standard for city streets; restrict city use of the Manual on Uniform Traffic Control Devices (MUTCD) to only documented cases that require its use for compliance with Federal/State regulations; in all other cases, restrict use of the MUTCD to “engineering judgment.”
Policy Committee Recommendation: Send the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 35. Efficiency Unit Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*
From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor)
Recommendation: Refer to the City Manager and Planning Commission to adopt objective standards for Efficiency Units pursuant to California Housing and Safety Code § 17958.1, developing an ordinance to amend the Berkeley Municipal Code modeled after standards implemented in the City of Davis, the City of Santa Barbara and other cities.
Policy Committee Recommendation: Approve the item with a positive recommendation.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Information Reports

36. **City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
37. **Federal Economic Relief Spending in Berkeley**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
38. **Sanctuary City Contracting Compliance Report for FY 2022**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
39. **Environment and Climate Commission 2022 Work Plan**
From: Environment and Climate Commission
Contact: Billi Romain, Commission Secretary, (510) 981-7400
40. **Planning Commission Fiscal Year 2022-23 Work Plan**
From: Planning Commission
Contact: Alene Pearson, Commission Secretary, (510) 981-7400

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, South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

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.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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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 September 1, 2022.*

A handwritten signature in black ink, appearing to read "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](#).*

### **Vision 2050**

1. Ben Gerhardstein, on behalf of Walk Bike Berkeley, North Berkeley Now, Bike East Bay and BNHCA.

### **Berkeley Marina Area Specific Plan (BMASP)/Cesar Chavez Park**

2. Emily Galpern
3. Masha Gutkin
4. Sandy Emerson
5. Daniel Larlham
6. Luke Bailey
7. Garril Page
8. Sandra Blair
9. Kathleen McLaughlin
10. David Mandel

11. Roberta Wyn
12. Meryl Siegal
13. Tro Vatro
14. Wini Williams
15. Miranda Morris
16. Shoshana Uribe (2)
17. Linda Karr
18. Morissa Zuckerman
19. Cynthia Gould
20. Judy Grether
21. Charlene Woodcock
22. Nicole Bloom
23. Kerna Trottier
24. Tamara Birdsall
25. Katya Gerwein
26. Remi Omodele
27. Mary Behm-Steinberg
28. Wanda Warkentin
29. Elsa Tranter
30. Gail Mandella
31. Majid Ghajeh
32. Bill Reynolds
33. Dorothea Dorenz
34. Ingrid Crickmore
35. Stacey Singleton
36. Yvette Bozzini
37. Barbara Haber
38. Ryan Hart
39. Garril Page
40. Doug Dohrer
41. Barbara Li Santi
42. Susan Griffin
43. Irene Jung-Huang
44. Nancy Newman
45. Elizabeth Rood
46. Ric Keeley
47. Steve Tracy
48. Ken and Silvana Blum
49. Nancy Hormachea
50. Gail Harrison
51. Judy Ballinger
52. Deborah Scott
53. Eric Naiman
54. Gina Hassan
55. David Wallin
56. Sally Nelson

57. Laurie Lenrow
58. Summer Brenner
59. Erica Roberts
60. Sarah Elzea
61. Ernest Isaacs
62. Bob Schildgen
63. Tamar Oppenheimer
64. Chloe Chaundhry
65. Gillian Heather Geller
66. Francie Shaw
67. Lesli Salzinger
68. Susan Gluss
69. Jack Kurzweil
70. Suzanne Pegas
71. Peter Gleick
72. Herb Schwartz
73. Tobey Wiebe
74. Jean Tepperman
75. Bruce Bagnell
76. Tracey Cosgrove
77. Hannah Meara
78. Margot Smith
79. Kathleen Evans
80. Leslie Sakai
81. Stefani Berger
82. Gael Alcock
83. Wini Williams
84. Shantee Baker
85. Sarah Daniels
86. Melissa Hayes
87. Anne Rowe
88. Nicole S.
89. Shahryar Muzaffar
90. Joan Wheeler
91. Leigh Lightfoot
92. Alex Nguyen
93. Daniel Larlham
94. Kat Schaaf
95. Kelly Hammargren
96. Maureen Fitzgerald
97. Esther Brass
98. Alexandre Chorin
99. Meryl Siegal
100. Maureen Daggett
101. Robert Bloomberg (2)
102. Katharine Carrillo

103. Ilse Eden
104. Dan Slobin
105. Arthur Braufman
106. Mimi Moungovan
107. Feleciana Feller
108. Ken Krich
109. John Porter
110. Jonathan Newman
111. James McGrath
112. Sarah Van Cleave
113. Leah Shelleda
114. Collette Tureene
115. Maxina Ventura
116. Shoshana Dembitz
117. Martin Nicolaus (Book – Love Letters to the Park)
118. Janine Brown
119. Sally Francis
120. Alan McCornick
121. Kit Robinson
122. Riley Taylor
123. Randy Marks
124. Susan Oppie
125. 6 similarly-worded form letter (I greatly appreciate)
126. 28 similarly-worded form letters ((I am one of the rapidly)

**Fishing at the Berkeley Waterfront: What is it Worth? – A Draft Summary Report**

127. San Francisco State University

**IKE Kiosks**

128. Dahlia Armon
129. Todd Andrew (2)
130. Jane Tierney
131. Linda Press Wulf
132. Soula Culver
133. Annie Barrows
134. Margit Roos-Collins
135. Wini Willaims
136. Stephanie Thomas
137. Clay Collett
138. Maxina Ventura
139. Bruce Brody and Lin Druschel
140. Morgan Read
141. Margot Smith
142. Susan Boat
143. Kieron Slaughter (2)

144. Luma Corte, on behalf of Fourth Street Merchants
145. Patricia Zambryski
146. Janice Murota (2)
147. Constance Anderson
148. Zipporah Collins
149. Joseph Klems
150. David Bullitt, on behalf of Heroic Italian Restaurant
151. Karen Rusiniak
152. David Ndeto, on behalf of TCHO Chocolate
153. Jack Lavac, on behalf of Visit Berkeley & Berkeley Film Office
154. Donald Rothberg
155. James Lerager

**Temporary Suspension of the Use of Tear Gas, Smoke and Pepper Spray,  
Associated with the Protest at People's Park**

156. Jack Kurzweil
157. Eric Friedman
158. Ron Jacobs
159. Metzli Hamelius
160. Lily Colby
161. Gerard Jamin
162. Hali Hammer
163. Terri Compost
164. Carol Denney
165. Summer Brenner
166. Sarah Cadorette
167. Tobey Wiebe
168. Russell Lee
169. Thomas Luce
170. Zepatitis B
171. Yadi
172. Maryann O'Sullivan
173. Gabe Gartland
174. Nathan Sweet
175. Juliet Lee
176. Emilio Fentanes
177. Sheila Goldmacher
178. John Selawsky
179. Anne-Lise Francois
180. Phoebe Anne Sorgen
181. Alissa Weber
182. Jan Ruchlis
183. Sara Antunovich
184. Melanie Lawrence
185. Councilmember Harrison (2)
186. Martina Reaves

187. Anna Tseselsky
188. Alan Haber
189. Toby Blome
190. Maxina Ventura
191. Tom Pache
192. Wendy Alfsen
193. Margaret Pritt
194. Adele and David Crady
195. Vicki Young
196. Glenda Pawsey
197. Ken Kratz
198. Anya Worley-Ziegmann
199. Sharon Gillars
200. K.B. Townsend
201. Amy Eden
202. Robert Feuer
203. Rachel Jamison
204. Sarena Kuhn
205. Karly Stark
206. AJ Schaerer
207. Ashe DeLong
208. Justin Lee
209. Sydney Selix
210. 29 similarly-worded form letters (Hello, my name is)

### **Save People's Park**

211. Diana Bohn
212. James Mattson
213. Chrissy Hoffman
214. Derek Gaither
215. Lavell Young (2)
216. Paul Lee
217. Blair Beekman
218. Keith Nickolaus
219. Patricia Maud Engel
220. Bryan Graham
221. Ken Kratz
222. Terri Compost

### **Wildfire Safety**

223. David Schindler
224. Henry DeNero, on behalf of the Hillside Association of Berkeley and it's Hillside Fire Safety Group (2)
225. Bruce Brody
226. Suzi Peterson and Alan Sher
227. David Sprague

228. Sondra Schlesinger

**Park Usage Fees - Kite Festival, S.F. Mime Troupe, et al**

- 229. Eric Friedman
- 230. Judith Thomas
- 231. Sally Nelson
- 232. Gael Alcock
- 233. Esfandiar Imani
- 234. Summer Brenner
- 235. Jill Schalet
- 236. Louise Kimball
- 237. Susan Ashworth
- 238. Barbara Ancher
- 239. Rafael Gonzalez
- 240. Wini Williams

**Youth Commission**

- 241. Cecilia Lunaparra
- 242. 21 similarly-worded form letters

**Warrantless Searches/BPD Policy 311**

- 243. Jennifer Wilks
- 244. Alexandra Mitnick
- 245. T.C Shu
- 246. Li Shu
- 247. David T.
- 248. Gary Amado
- 249. Billy McDonald
- 250. Iris Hagen Ratowsky
- 251. Thomas Luce
- 252. Summi Kaipa
- 253. Betty Kano

**Shellmound**

- 254. Stephanie Manning
- 255. Richard Schwartz (2)
- 256. Peter Walker
- 257. David Lutes
- 258. California Norma
- 259. Linda Newton
- 260. Elana Auerbach
- 261. John Curl
- 262. Jyl Lutes
- 263. Christy Fischer, on behalf of Trust for Public Land
- 264. Sylvie Woog

**Hopkins Corridor**

- 265. George Porter, on behalf of Commission on Aging
- 266. Bob Flasher (2)

**E-Bikes**

- 267. Fredda Cassidy
- 268. Jeff Hoover
- 269. Julie Elis
- 270. Robert Byler

**Housing Element**

- 271. Kendra Ma, on behalf of TranForm
- 272. Ellen Lake, on behalf of the Kala Art Institute
- 273. Harvey McKeon
- 274. North Berkeley Now Housing and Climate Action
- 275. Sophia DeWitt, on behalf of East Bay Housing Organization

**Junior Jackets Sports Team Asked To Leave San Pablo Park**

- 276. Moni Law (2)
- 277. Angela Jernigan
- 278. Sheila Jordan
- 279. Jr Jackets

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

- 280. 12 similarly-worded form letters

**Pedestrian Safety**

- 281. Wende Micco
- 282. Roger Hallsten
- 283. Rachel Bradley
- 284. Robin Kirby

**Bio Lab/Bayer**

- 285. Berkeley Neighborhood Council
- 286. Dana Perls, on behalf of Friends of the Earth

**COVID-19, Monkeypox, Vaccinations and Masks**

- 287. Marilyn Kaplan (2)
- 288. Anne McClintock

**Harriet Tubman Terrace**

- 289. Libby Lee-Egan and Mari Mendonca

**Joining the Department of Housing and Community Development (HCD) Lawsuit**

- 290. Susan Candell

**Crime**

- 291. Katya Stoakes
- 292. Alex Merenkov
- 293. Isobel Dozier

**Shattuck Cinemas**

- 294. Charlene Woodcock

**BART Development**

- 295. Jean Peters
- 296. Malea Raffetseder

**Toxic Pesticides**

- 297. Maya Cohen

**SB 9**

- 298. Dorothy Berndt

**Golden Duplex**

- 299. Henry Caro

**Unresolved City Matter – Closing Business License**

- 300. Bill Creasi

**CalPERS Bills Going Up**

- 301. Eric Lerman

**Union Pacific Railroad**

- 302. Robert Kroll

**Rat Birth Control**

- 303. Andie Grace
- 304. Tony Benado

**Telegraph Avenue is an Eyesore**

- 305. Joann Philbin

**Property Tax Exemption for Nonprofits**

- 306. Barbara Gilbert

**Toxic Waste Disposal**

- 307. David Lerman

**1598 University Avenue Planned 8-Story Building**

- 308. Bill Kristy

**Homelessness**

309. Mike Palmer

**Bond Measure L**

310. Geoff Lomaz (3)

311. Henry Oyekanmi

**West Berkeley Budget Priorities**

312. 4 similarly-worded form letters

**Rent Control**

313. Bryce Nesbitt

**Affordable Housing**

314. Ann Campbell

**EDI to Phase Out Bowel and Bladder Care**

315. Tamar Michai Freeman

**City of Berkeley Corruption**

316. Walter Wood

**Teaching BUSD Kids To Swim**

317. David Lerman

**Recruit Solano Avenue BID Advisory Board Members**

318. Todd Andrew

**Incessant Dog Barking**

319. Norma J F Harrison

**Misuse of [jessearreguin.com](http://jessearreguin.com) Website**

320. David Lerman

**Underground Wiring on Eton Avenue**

321. Fredora H. Darmstadt

**Restoring Bus Service**

322. Marilyn Sagna

323. Ika Simpson

**5G Cell Towers**

324. Omowale Fowles

**Natural Gas Ban in Berkeley**

325. Stella Kim

**No Whites Allowed – POC House**

326. Janice Barton

**Public Financing**

327. Omowale Fowles

328. Catherin Huchting

**Measure P**

329. Joel Libove

**Covid Eviction Moratorium**

330. Daniel Lorence

**Things I Miss About Berkeley**

331. M.E. Lawrence

**Car-Free Berkeley**

332. Ken Stein

**University Campus Police Department**

333. Carol Denney

**Electric Vehicle Charging Stations Infrastructure**

334. David Lerman

**Genetically Modified Mosquitoes**

335. David Luz

**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.