



Office of the City Manager

CONSENT CALENDAR
November 7, 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 September 11 (special closed), September 12 (regular), September 18 (special closed), September 19 (regular), September 26 (special closed and special), October 2 (special closed), October 3 (regular) and October 10 (special closed, special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 11, 2023 – Special Closed Council Meeting
2. September 12, 2023 – Regular Council Meeting
3. September 18, 2023 – Special Closed Council Meeting
4. September 19, 2023 – Regular Council Meeting
5. September 26, 2023 – Special Closed Council Meeting
6. September 26, 2023 – Special Council Meeting
7. October 2, 2023 – Special Closed Council Meeting
8. October 3, 2023 – Regular Council Meeting
9. October 10, 2023 – Special Closed Council Meeting
10. October 10, 2023 – Special Council Meeting
11. October 10, 2023 – Regular Council Meeting

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

MONDAY, SEPTEMBER 11, 2023

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

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

*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/1613787641>. 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: **161 378 7641**. 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.

Preliminary Matters

Roll Call: 3:04 p.m.

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

Absent: Kesarwani, Bartlett

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; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, PEU Local 1, Unrepresented Employees

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.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:31 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 11, 2023.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 12, 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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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/1606796328>. 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: **160 679 6328**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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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: 6:07 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: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Pledge of Allegiance to the Flag
2. Recognition of Yali's Café, Ike's Love and Sandwiches, and Lox Stock & Bagel for offering healthier food and beverage choices

City Manager Comments: None

Public Comment on Non-Agenda Matters: 13 speakers.

Public Comment by Employee Unions (first regular meeting of the month): None

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 13 speakers.

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

Vote: All Ayes.

1. **Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$130,176 for fitness center memberships for City employees for the period July 1, 2023 through June 30, 2024.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted Resolution No. 71,016–N.S.

Recess Items

- 2. Contract No. 32200058 Amendment: ACI Payments, Inc for Recreation Online Registration System Credit Card Transaction Processing Fees**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager to execute an amendment to Contract No. 32200058 with ACI Payments, Inc (ACI) increasing the contract amount by \$35,000 for a total not to exceed amount of \$185,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,017–N.S.
- 3. Stipend for Echo Lake Camp Staff**
From: City Manager
Recommendation: Adopt a Resolution approving up to a \$500/week stipend for certain Echo Lake Camp daily-rated staff working in the summer of 2023, starting July 30, 2023.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,018–N.S.
- 4. Contract No. 100692-4 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 100692-4 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$1,000,000 for a total not to exceed amount of \$3,000,000 while the contract expiration will remain June 30, 2025.
Financial Implications: State Proposition 172 Fund - \$1,000,000
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,019–N.S.
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 10 (special closed), July 11 (regular), July 18 (special), July 24 (special closed and special) and July 25 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

Consent Calendar

- 6. Establish 2024 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2024, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,020–N.S.
- 7. Police Accountability Board – Appointment of New Member**
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Humbert.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,021–N.S.
- 8. Contract: NetFile for Online Campaign Report, Public Financing, and Form 700 Filing and Tracking**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Westcoast Online Information Systems, Inc. dba NetFile for an amount not to exceed \$170,700 for the period October 1, 2023 through September 30, 2028 for online campaign report, public financing, and Form 700 filing, processing, web posting, and tracking.
Financial Implications: General Fund - \$170,700
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,022–N.S.
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 12, 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: Varous Funds - \$9,990,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 10. Contract: Swifthawk LLC for Project Management & Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Swifthawk, LLC to provide project management and consulting services for the Fire Department from August 7, 2023 to August 31, 2025 in an amount not to exceed \$600,000.
Financial Implications: Measure FF Fund - \$600,000
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,023–N.S.
- 11. Contract No. 32300094 Amendment: Restoration Family Counseling Center for Counseling, Education and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300094 for Counseling, Education and Support for the Fire Department (Department); with Restoration Family Counseling Center Inc. (RFCC), increasing the total contract amount from \$80,000 to \$308,000.
Financial Implications: Various Funds - \$228,000
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,024–N.S.
- 12. 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 each of the following: Fiscal Year 2024, Fiscal Year 2025, and Fiscal Year 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,025–N.S.
- 13. Taxi Scrip Redemption Window Cash Drawer Increase**
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager or her designee to increase the cash drawer amount for the weekly Taxi Scrip Redemption window from \$15,000 to \$20,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,026–N.S.

Consent Calendar

- 14. Contract: The Housing Workshop for Social Housing Models & Market Analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with The Housing Workshop to provide policy model research and market analysis to inform social housing initiatives for the Department of Health, Housing, and Community Services (HHCS) from September 13, 2023 to September 13, 2024 in an amount not to exceed \$175,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,027–N.S.
- 15. Expenditure Contract: Persimmony International for Electronic Medi-Cal Administrative Activities and Targeted Case Management Documentation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure agreement, and any amendments or extensions, with Persimmony International for ongoing system maintenance of web-based Medi-Cal Administrative Activities (MAA) time study documentation, and Targeted Case Management (TCM) documentation. The contract will be in an encumbered amount of \$289,011 for the period July 1, 2023 through June 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,028–N.S.
- 16. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) through November 1, 2025, adding \$287,712 for a total contract amount of \$945,424, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley. This will extend the contract by two years.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,029–N.S.
- 17. Contract: Sensis, Inc. for Recruitment and Marketing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Sensis, Inc. for recruitment and marketing services, in an amount not to exceed \$250,000 over two years: \$125,000 in the first year, with an option to renew for a second year for an additional \$125,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,030–N.S.

Consent Calendar

18. Establish Classification and Salary Range – Lactation Counselor

From: City Manager

Recommendation: Adopt a Resolution establishing the unrepresented classification of Lactation Counselor with an hourly salary range of \$41.1351 - \$50.0000, and an annual salary range of \$85,561.0080 - \$104,000.00, in order to utilize grant funding to employ an International Board Certified Lactation Consultant (IBCLC) who will oversee the City's Breastfeeding Peer Counselor Program and provide additional public health services to the City of Berkeley community.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,031–N.S.

19. Revise Classification and Salary Range – Paramedic

From: City Manager

Recommendation: Adopt a Resolution revising the classification of Paramedic to an hourly salary range of \$30.00-\$40.00 per hour (currently \$30.00-\$45.00 per hour) to offset unanticipated budgetary impacts due to overtime. This recommendation and proposed Resolution follow Council consideration of this item in Closed Session on July 24, 2023.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,032–N.S.

20. Memorandum of Understanding: Berkeley Police Association

From: City Manager

Recommendation: Adopt a Resolution 1) approving a successor Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Police Association (hereafter referred to as the "Union") for a three-year term from July 1, 2023 through June 30, 2026 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and 2) approving a new Classification and Salary table for Representation Units E and F that implement the salary adjustments reflected in the new MOU and supersede Resolution No. 69,965,-N.S. The terms of the proposed 2023-2026 MOU are within the parameters of authority approved by Council in closed session. The proposals were ratified by the Union following a three-day vote that concluded on August 14, 2023.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,033–N.S. as revised in Supplemental Communications Packet #2 from the City Manager.

Consent Calendar

21. Grant Applications: Bipartisan Infrastructure Law (BIL) and State Funds For Six City Infrastructure Improvement Projects

From: City Manager

Recommendation: Adopt six Resolutions authorizing the City Manager or her designee to submit grant applications to six federal (BIL) and state-funded competitive grant programs for City Infrastructure improvement projects; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,034–N.S. (Berkeley Waterfront University Ave Shoreline), Resolution No. 71,035–N.S. (Interstate 80 and Aquatic Park Lagoon), Resolution No. 71,036–N.S. (West Berkeley and Aquatic Park Lagoon), Resolution No. 71,037–N.S. (Santa Fe Railroad Track to Park), Resolution No. 71,038–N.S. (Martin Luther King, Jr. Youth Services Center), and Resolution No. 71,039–N.S. (South Berkeley Senior Center).

22. Utility Easement: Bolivar Drive – East Bay Municipal Utility District

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing and directing the City Manager to convey a utility easement to the East Bay Municipal Utility District along Bolivar Drive at Aquatic Park.

Financial Implications: None

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

Action: Adopt first reading of Ordinance No. 7,883–N.S. as revised in Supplemental Communications Packet #2 by the City Manager. Second reading scheduled for October 3, 2023.

23. Serving inclement weather needs, RV dwellers, and other vehicle dwellers through the Encampment Mobile Mental Health Wellness Team, as is feasible, within parameters of the state-approved project plan

From: Homeless Services Panel of Experts

Recommendation: That Council refer to staff to include providing services to meet inclement weather needs of the unhoused and provide services to RV, and other vehicle, dwellers, as is feasible, within the parameters of the state-approved plan.

Financial Implications: See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action: Approved recommendation.

Consent Calendar

- 24. Authorization for an Additional Homeless Services Panel of Experts meeting in October 2023**
From: Homeless Services Panel of Experts
Recommendation: Adopt a Resolution authorizing one additional meeting of the Homeless Services Panel of Experts in October 2023, which would restore one general meeting given that 3 special meetings were otherwise used to address Measure P allocations.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 71,040–N.S.
- 25a. Accommodating Client Literacy and Cognitive Challenges in Community Agency Allocation Funding Process as to Homeless Providers**
From: Homeless Services Panel of Experts
Recommendation: That Council refer to staff to include in the community agency allocation funding RFP a question to homeless services providers as to how homeless services providers plan to accommodate clients with literacy and cognitive challenges.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
Action: See action for Item 25b.
- 25b. Companion Report: Accommodating Client Literacy and Cognitive Challenges in Community Agency Allocation Funding Process as to Homeless Providers**
From: City Manager
Recommendation: Take no action on the Homeless Services Panel of Experts' recommendation, as staff have already included in the community agency allocation funding Request for Proposals (RFP) a question to homeless services providers as to how they plan to accommodate clients with literacy and cognitive challenges.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Approved recommendation in Item 25b.

Council Consent Items

- 26. Appoint Ayanna Davis to the Berkeley Housing Authority Board**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution appointing Ayanna Davis to serve on the Berkeley Housing Authority Board of Commissioners for a four-year term.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,041–N.S.

Council Consent Items

- 27. Excused Absence for Councilmember Kate Harrison**
From: Mayor Arreguin (Author)
Recommendation: Excuse Councilmember Kate Harrison from the September 19, 2023 Council meeting as a result of attending to official business of the City.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.
- 28. Letter to State Legislators Regarding San Pablo Park Pool Project**
From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor)
Recommendation: Send a letter to the requesting state budget allocations for capital improvements at San Pablo Park including the Frances Albrier Community Center and San Pablo Park Pool.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Vice-Mayor Bartlett added as a co-sponsor. Approved recommendation.

Council Consent Items

29. **51B BRT + University/Shattuck Corridor Mobility Improvements** (*Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)

From: Councilmember Taplin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Humbert (Co-Sponsor)

Recommendation:

1. Refer to the City Manager commencement of a feasibility analysis and community engagement process to develop options for the implementation of Bus Rapid Transit (BRT) improvements along AC Transit's 51B route; options are to be developed in tandem with internal city departments, including Public Works, Fire, Police Traffic Unit, and Economic Development, and interagency partners, including AC Transit, the Alameda County Transportation Commission, BART, Caltrans, UC Berkeley, and WETA; community engagement is to emphasize students, transportation advocates, transit riders, the disability rights community, the faith community, the senior community, local merchants, the business community, the arts community, and tenants; consultation with AC Transit and UC Berkeley Bear Transit on planning, scoping, and implementation is to begin as soon as possible; staff are encouraged to explore and pursue quick build improvements.
2. Refer \$150,000 to the FY 2024-2025 budget process to increase the budget for the city's ADA Transition Plan capital project to prioritize and implement ADA improvements at the city's intersections, such as curb cuts, auditory functions of crossing signals, bulb-outs, shortening crossing distances, and other safety improvements.
3. Refer \$150,000 to the FY 2025-2026 budget process for consulting costs to conduct corridor studies along University Avenue, from Seawall Drive, to Oxford Street, and along Oxford Street and Fulton Street, from Virginia Street to Durant Avenue, to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals and are continuous with work currently underway on the Addison Bicycle Boulevard, and explore improvements for curb management, i.e. accessible parking (blue curbs), management of curb space for third party delivery service, etc.

Policy Committee Recommendation: To forward the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Council Consent Items

- 30. Budget Referral: Refer \$100,000 to the FY 23 and FY 24 AAO #1 to beautify Vacant Storefronts in Berkeley Commercial Districts**
From: Councilmember Harrison (Author)
Recommendation: Refer \$100,000 to the FY 23 and FY 24 AAO #1 to help fund art or district branding vinyl window graphics on vacant storefronts in Berkeley Commercial Districts to beautify our Commercial Districts. The fund would be administered by the Downtown Berkeley Association on behalf of all Commercial Districts, and would reimburse property owners for 50% of the entire cost of the project: 1. Artist fee; 2. Costs associated with non-commercial printed material that is ideally non-plastic (may be vinyl if no alternative exists); 3. Installation of non-commercial window graphics
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Humbert.
- 31. Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health, and Equity**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the November 2023 Budget Process \$140,000 to fund staffing, materials, and consultants for a Miyawaki Pocket Forest Pilot Project, including the planting of two pocket forests on City of Berkeley sites, preferably in areas most impacted by poor air quality, and a report to Council on opportunities and funding for a broader Citywide Miyawaki Forest program. Should November 2023 funding not be available, refer to subsequent budget processes for consideration.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Mayor Arreguin added as a co-sponsor. Approved recommendation including supplemental material in Supplemental Communications Packet #1 from Councilmember Hahn, further amended to include consideration of the Here/There site as a potential pilot site. Supplemental material removes co-sponsor.

Council Action Items

32. Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42

From: Councilmember Harrison (Author)

Recommendation: Adopt a resolution designating open space in front of Old City Hall as linear City park space and formally dedicate this site for permanent recreational use pursuant to BMC 6.42.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: Moved to Consent Calendar. Adopted Resolution No. 71,042–N.S. with an amended resolved clause as written below and including the Council Report as Exhibit A to the resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley-owned open space and land adjacent to and in front of Old City Hall is designated as an official part of City park land and infrastructure. This includes the land identified in the greyed box on page 2 of the council report, attached hereto as Exhibit A, which is the area between the buildings and right of way excluding the area that is subject to a lease between the County and City of Berkeley.

Information Calendar

33. LPO NOD: 60 Panoramic Way, #LMIN2023-0001

From: City Manager

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

Action: Received and filed.

34. LPO NOD: 1960 San Antonio Avenue/645 Arlington Avenue, #LMSAP2022-0005

From: City Manager

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

Action: Received and filed.

35. LPO NOD: 803 Delaware Street, LMSAP2023-0002

From: City Manager

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

Action: Received and filed.

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

Adjournment

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

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

Councilmember Hahn absent 8:25 p.m. – 8:27 p.m.

Adjourned at 8:27 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on September 12, 2023.

Mark Numainville, City Clerk

Communications

Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements

1. Bike East Bay
2. Raul Maldonado

Berkeley Crime

3. Anthony Felli, Regional Vice President, Skates on the Bay (2)
4. Nina Lyons
5. Pamela Michaud
6. Benjamin Stein
7. Peter Radu
8. Colleen McCann
9. Mike Kim
10. Nina Lyons
11. Diana Rossi
12. Peter Horsemann
13. Linda Laskowski
14. Teresa Clarke
15. Melissa Little
16. Rebecca Thomas
17. Ryan Kidd
18. Joshua Bloom
19. Shok Saidmuradov
20. Shannon Holloway
21. Peter Hosemann

Automated License Plate Readers (ALPR)

22. Emily Benner
23. Laura Lake Gediman
24. Alex Merenkov

- 25. Rosemarie Klems
- 26. Katie Johnson
- 27. Isaac Dietz
- 28. Mary S.
- 29. Rosa Perez

Daylight Strawberry Creek/Civic Center Park

- 30. Jessica Hall
- 31. Juliet Lamont and Phil Price
- 32. Diana Bohn
- 33. Jennifer Ware
- 34. Stacie Degeneffe
- 35. Summer Brenner

BART Transit Oriented Development and Parking

- 36. John Hitchen
- 37. Barbara Flasher
- 38. Michai Freeman
- 39. Markus Feyh
- 40. Chris Watters
- 41. Mikayla Fussman
- 42. Nat Kane
- 43. Peter Waller
- 44. Christine Goldin
- 45. Marija Hillis
- 46. Peggy Scott

2720 Hillegass/Willard Clubhouse

- 47. Julie Obbard
- 48. Alex Stec

Housing

- 49. Aimee Baldwin (3)
- 50. Meryl Siegal

Reforest Berkeley

- 51. Glenn Alex
- 52. Ruby Lee
- 53. Mike Vandeman

Shellmound

- 54. Sophia DeWitt, on behalf of East Bay Housing Organizations

Fukushima

- 55. Richard Tamm

Communications

- 56. Francine Cavaliere
- 57. Dawn DelMonte (2)
- 58. Sally Nelson
- 59. Bjorn Fox
- 60. Nori Hudson
- 61. Jose Arau
- 62. Juli Dickey
- 63. Jose Franklin Arau

3050 College Avenue

- 64. Janet Miller (2)

Help Shape the Library's Strategic Plan

- 65. Aimee Reeder

Lawrence Hall Neighborhood Issues

- 66. Emily Starr

Berkeley's Business Districts

- 67. Jack Kurzweil

Racial Injustices

- 68. Aimee Baldwin

Public Works Transportation Division

- 69. Hamid Mostowfi, Transportation and Infrastructure Commission Co-Secretary

Bio Labs

- 70. Steve Shmanske
- 71. Sandina Robbins

People's Park

- 72. Tobey Wiebe
- 73. Rod Gutierrez

Here/There Now Fence

- 74. Mike Kim
- 75. Nicole Sullivan

Berkeley Police Department Investigation

- 76. Diana Bohn
- 77. Mary Behm-Steinberg
- 78. Janie Schroeder (2)
- 79. Tobey Wiebe
- 80. Nathan Mizell

Communications

Fire Danger

- 81. Susan Nunes
- 82. Councilmember Hahn

Cell Antennas

- 83. Stephanie Thomas
- 84. Constance Anderson
- 85. Phoebe Thomas Sorgen

Encampment at 8th & Harrison

- 86. Yesica Prado (3)
- 87. Peter Radu, Neighborhood Services, City Manager's Office

Appoint Police Chief Louis

- 88. Marvin Snow

Secondhand Smoke

- 89. Carol Denney
- 90. Rebecca Day-Rodriguez, on behalf of Health, Housing & Community Services

Mortgage Relief Program

- 91. Carole Marasovic

Rental Inspection Program Proposal

- 92. Christopher La Combe

Virginia/Oxford Intersection

- 93. Theo Posselt

Fire Inspection Bill

- 94. Jane Kitchel

Youth Representation on the Environmental and Climate Commission

- 95. Kristen Anderson

Roots Near Sidewalk and Curb

- 96. Barry Horwitz

New City Manager

- 97. Carol Denney

Battery Recycling

- 98. David Lerman

Conflict of Interest/Trying to Find Children

- 99. Lavell Young

Communications

Golden Gate Horse Racing

100. Jim Renella

Homelessness

101. Eric Friedman

102. Aimee Baldwin

Cub Scout Requirement

103. Jason Hertenstein

Ohlone Greenway

104. Howard Goldberg (2)

105. Cindi Goldberg

106. Lisa Chow

107. Mary Behm-Steinberg

108. Eric Cheng

New Apartments and Business'

109. Steven Schuyler

Star Alliance

110. Peter Bruce DuMont (2)

Oakland International Airport Public Review

111. Port of Oakland

Fire Ready Fest

112. Berkeley Fire Department (2)

#DiscoveredinBerkeley – Squishy Robots

113. Liz Redman, on behalf of the Office of Economic Development

Current State of the City of Berkeley

114. Assal Sharifi

Jr. Jackets Football Support

115. Eric Friedman

Request for Action – Police Budget, Building Heights, etcetera's

116. Dan.auten@

URL's Only

117. Vivian Warkentin (8)

118. crustyrusty@riseup.net

Supplemental Communications and Reports 1

Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements

- 119. Raul Maldonado, East Bay YIMBY Lead
- 120. Kiaran Katyal-Tan
- 121. Chuck Siegel, on behalf of Walk Bike Berkeley
- 122. 5 similarly-worded form letters

Item #31: Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health, and Equity

- 123. Supplemental material, submitted by Councilmember Hahn

Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42

- 124. Isabelle Gaston
- 125. Carol Hirth

Supplemental Communications and Reports 2

Item #4: Contract No. 100692-4 Amendment: Serological Research Institute for DNA Test Services

- 126. Elana Auerbach

Item #20: Memorandum of Understanding: Berkeley Police Association

- 127. Supplemental material, submitted by Human Resources

Item #22: Utility Easement: Bolivar Drive – East Bay Municipal Utility District

- 128. Revised material, submitted by Parks, Recreation and Waterfront

Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements

- 129. Eric Johnson
- 130. Mary Ann Furda
- 131. Tawny Reynolds
- 132. Phyllis Orrick
- 133. Mario Valadez
- 134. Alfred Twu
- 135. Lee Bishop
- 136. 12 similarly-worded form letters

Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42

- 137. Marsha Feinland
- 138. Paola Laverde
- 139. Max Ventura
- 140. Jean Tepperman
- 141. Erika Shore
- 142. Marian Wolfe
- 143. Carole Cool
- 144. Susana Porte
- 145. Summer Brenner
- 146. Gael Alcock

- 147. Miranda Ewell
- 148. Jane White
- 149. Rachel Katz
- 150. Stephen Most
- 151. Laura Galligan
- 152. Cate Leger
- 153. Helga Recke
- 154. William Pettus
- 155. Sally Nelson

Supplemental Communications and Reports 3

Item #4: Contract No. 100692-4 Amendment: Serological Research Institute for DNA Test Services

- 156. Elana Auerbach

Item #28: Letter to State Legislators Regarding San Pablo Park Pool Project

- 157. Claudia Kawczynska
- 158. Cameron Woo

Item #29: 51 BRT + University/Shattuck Corridor Mobility Improvements

- 159. Melinda Howard-Herrarte, on behalf of the Sierra Club
- 160. Alden Mudge
- 161. Councilmember Humbert
- 162. Maulin Chokshi
- 163. Igor Tregub, on behalf of the Alameda County Democratic Party
- 164. Sean Gibson
- 165. 14 similarly-worded form letters

Item #30: Budget Referral: Refer \$100,000 to the FY 23 and FY 24 AAO #1 to beautify Vacant Storefronts in Berkeley Commercial Districts

- 166. Steve Kromer

Item #31: Budget Referral: Miyawaki “Pocket Forest” Pilot Program to Support Carbon Sequestration, Biodiversity, Cooling, Noise Reduction, Health and Equity

- 167. Daniel Gluesenkamp, on behalf of California Institute for Biodiversity
- 168. Jess Login and students, Malcolm X Elementary School
- 169. Hazel Copithorne
- 170. Lola Leeman
- 171. Ivan Fisher

Item #32: Designating Open Space Adjacent to and in Front of Old Berkeley City Hall as a Linear City Park Pursuant to BMC 6.42

- 172. Virginia Warheit
- 173. Pamela Drake
- 174. Diana Bohn
- 175. Erin Diehm
- 176. Juliet Lamont and Phil Price
- 177. Harvey Smith

- 178. Janet Levenson
- 179. Deborah Green

Miscellaneous Communications

- 180. Mr. Eid

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

MONDAY, SEPTEMBER 18, 2023

4:30 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

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

*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/1610332476>. 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: **161 033 2476**. 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.

Preliminary Matters

Roll Call: 4:40 p.m.

Present: Taplin, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Bartlett, Harrison

Public Comment - Limited to items on this agenda only – 0 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. *Workers Compensation Appeals Board Case Numbers: ADJ15348795 and ADJ15456130*

Action: M/S/C (Arreguin/Robinson) to authorize the City Manager to settle by Stipulated Award with future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ15348795 and ADJ15456130.

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

b. *Workers Compensation Claim #BER2200121*

Action: M/S/C (Arreguin/Humbert) to authorize the City Manager to settle by Compromise and Release, or in the alternative settlement by Stipulated Award with future medical care, as to workers' compensation matter WC Claim #: BER2200121.

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

c. *Rena Fisher, Kathi Pugh, and Helen Walsh v. City of Berkeley*

Action: No reportable action taken.

d. *Harrison v. Martinez et al. Alameda County Superior Court Case No. 22CV09169*

Action: M/S/C (Arreguin/Robinson) to authorize the City Attorney to settle the case in the amount of \$40,000.

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

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property Address: 921-927 Parker Street, Berkeley, California
Agency Negotiators: Dee Williams- Ridley, City Manager; David Sprague, Berkeley Fire Chief; Dionne Early, Public Works Real Property
Negotiating parties: City of Berkeley and Keegan & Coppin Company Inc., on behalf of 921 Parker Street Partners, LLC
Property Owner: 921 Parker Street Partners, LLC
Under negotiation: Price and terms

Action: No reportable action taken.

OPEN SESSION:

City Council met in closed session on September 18, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Stipulated Award with future medical care, as to workers' compensation matters WCAB Case Numbers ADJ15348795 and ADJ15456130.

City Council met in closed session on September 18, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or in the alternative settlement by Stipulated Award with future medical care, as to workers' compensation matter WC Claim number BER2200121.

The Council convened in closed session on September 18, 2023 and approved a settlement in the matter of Harrison v. Martinez et al, Alameda County Superior Court Case No. 22CV019169, in the amount of \$40,000 in exchange for a release of all claims against the City.

Adjournment

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

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

Adjourned at 6:47 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 18, 2023.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 19, 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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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

Report from Closed Session

City Council met in closed session on September 18, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to:

- 1) Approve a settlement by Compromise and Release, or in the alternative settlement by Stipulated Award with future medical care, as to workers' compensation matter WC Claim number BER2200121.
- 2) Approve a settlement by Stipulated Award with future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ15348795 and ADJ15456130.
- 3) Approve a settlement in the matter of Harrison v. Martinez et al, Alameda County Superior Court Case No. 22CV019169, in the amount of \$40,000 in exchange for a release of all claims against the City.

Roll Call: 6:20 p.m.

Present: Taplin, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Bartlett, Harrison

Councilmember Kesarwani present at 6:22 p.m.

Councilmember Bartlett present at 6:22 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 California Native American Day – September 22, 2023
2. Recognition of the Public Bank of the East Bay

City Manager Comments: None

Public Comment on Non-Agenda Matters: 9 speakers.

Action: M/S/C (Arequin/Kesarwani) to accept an urgency item from the Health, Housing, and Community Services Department pursuant to Government Code Section 54954.2(b)(2) entitled Revised Resolution for a Joint Homekey Application and Urgency Ordinance to Amend Contract No. 32200202 Extending the Lease for Real Property at 1461 University.

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

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

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

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

Urgency Item: Revised Resolution for a Joint Homekey Application and Urgency Ordinance to Amend Contract No. 32200202 Extending the Lease for Real Property at 1461 University

From: City Manager

Recommendation: Adopt one resolution and one urgency ordinance approving the following actions in support of a Homekey program application by:

1. Authorizing the City Manager or her designee to prepare and submit a joint application together with Memar and HCEB for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Inn permanent supportive housing project.
2. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.
3. Authorizing the City Manager, if Homekey funds are awarded, to execute an amendment to Contract No. 32200202 with Shree Jalasai Lodging, LP for the lease of real property located at 1461 University Avenue, Berkeley, extending the term by five months and increasing the total cost by \$891,132 for a new contract not-to-exceed amount of \$3,896,402 for the purposes of extending the interim non-congregate shelter program at this location.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,043–N.S. and urgency Ordinance No. 7,884–N.S.

Consent Calendar

1. Contract Amendment for Extending the Lease for the Real Property at 1461 University Avenue

From: City Manager

Recommendation: Adopt an Urgency Ordinance authorizing the City Manager to execute an amendment to Contract No. 32200202 with Shree Jalasai Lodging, LP for the real property located at 1461 University Avenue, Berkeley, extending the term for 30 months and increasing the total cost by \$5,362,043, for a new contract not-to-exceed amount of \$8,367,313, for the purposes of extending the interim noncongregate shelter program at this location.

Financial Implications: See report

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

Action: Adopted urgency Ordinance No. 7,885–N.S.

2. Execute contract with Housing Consortium of the East Bay (HCEB) to operate shelter at the Rodeway Inn

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Housing Consortium of the East Bay (HCEB) to operate an interim housing program at the Rodeway Inn (1461 University Ave.) through April 30, 2026.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,044–N.S.

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 19, 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 - \$22,472,259

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

Action: Approved recommendation.

4. 2024 Tax Rate: Transportation Network Company User Tax

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the 2024 tax rate (effective January 1, 2024) for the transportation network company at the following rates: 56.162 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 27.424 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.

Financial Implications: See report

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

Action: Adopt first reading of Ordinance No. 7,886–N.S. Second reading scheduled for October 3, 2023.

Consent Calendar

- 5. Contract: Options Recovery Services – Encampment-based Mobile Wellness Center Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Options Recovery Services to provide Mobile Wellness services for individuals who are unhoused or living in encampments in Berkeley. The contract will be funded through California Mental Health Services Act (MHSA) Innovation (INN) funds, for a total not to exceed amount \$2,802,400, through June 30, 2028.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,045–N.S.
- 6. Authorizing a Lease of 830 University Avenue to Lifelong Medical Care**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to enter into a lease for 830 University with Lifelong Medical Care (Lifelong).
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopt first reading of Ordinance No. 7,887–N.S. Second reading scheduled for October 3, 2023.
- 7. Revenue Grant: California Office of Traffic Safety (OTS) for the 2024 “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 \$269,000 for the period of October 1, 2023 through September 30, 2024, which is Federal Fiscal Year 2024.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,046–N.S.
- 8. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the CTFGP grant and enter into the resultant grant agreement and any amendments, with the California Highway Patrol. This grant is for \$59,168 for the period of July 1, 2023 through June 30, 2024.
Financial Implications: One-time Grant Program Fund - \$59,168
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,047–N.S.

Consent Calendar

- 9. License Agreement – RM Ventures, LLC, d.b.a, In the Wood Grill & Bar for Nonexclusive Use of the Elmwood Parking Lot Pedestrian Paseo**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a ground license agreement with RM Ventures LLC d.b.a., In the Wood Grill and Bar (In the Wood Grill & Bar) for the nonexclusive use of a portion of the Elmwood Parking Lot Pedestrian Access Path (“Paseo”), a City-owned midblock pedestrian path connecting the City’s Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District, for an initial term of five (5) years and authorize the City Manager to execute a renewal of this license, under the same terms, after the termination of the initial term.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Item 9 removed from the agenda by the City Manager.
- 10. Contract No. 32200073 Amendment: Toole Design Group for Engineering Design and Construction Support Services for the Southside Complete Streets Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200073 with Toole Design Group for engineering design and construction support services for the Southside Complete Streets Project, increasing the contract by \$508,602, for a total amount not to exceed \$1,790,213, and extending the term of the contract from December 31, 2023 to June 30, 2025.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,048–N.S.
- 11. Agreement with Goldsmiths for Strawberry Creek Culvert Repair**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Cost Sharing Agreement and Release with Steven and Cathy Goldsmith for repair of a section of Strawberry Creek Culvert. The culvert was reported to have failed on or about October 24, 2021 and the extents of the failure is alleged to include area in both City right-of-way and private property under the Goldsmiths’ home. Per the agreement, the City would expend an amount not to exceed \$75,000 toward repair of the creek culvert in exchange for a release of claims relating to the October 24, 2021 culvert failure.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,049–N.S.

Consent Calendar

12. **Amendment to the Agreement for Maintenance of State Highways in the City of Berkeley between the California Department of Transportation and the City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the Agreement with the California Department of Transportation (Caltrans) for maintenance of the State highways within the City of Berkeley. The amendment will address three new traffic signals: 1) a new pedestrian hybrid beacon (PHB) at San Pablo Avenue and Virginia Street 2) a new PHB at San Pablo Avenue and Hearst Street, and 3) a new rectangular rapid flashing beacon (RRFB) at Ashby Avenue and California Street.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,050–N.S.
13. **Contract No. 9977C Amendment: Portable Computer Systems dba PCS Mobile for Parking Permit and Citation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977C with Portable Computer Systems dba PCS Mobile, increasing the contract amount by \$1,650,000 for a total amount not-to-exceed of \$3,700,000 and extending the contract term through June 30, 2029.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,051–N.S.
14. **Contract No. 32000078 and Contract No. 32000093 Amendments DC Electric Group, Inc. for On-Call Electrical Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to Amend the contract, increasing the amounts as outlined below, and extending the contracts through June 30, 2026:
1. Increasing Contract No. 32000078 with DC Electric Group, Inc. for the Facilities Electrical Division for on-call electrical services in the amount of \$300,000 for a total contract amount not to exceed \$475,000.
2. Increasing Contract No. 32000093 with DC Electric Group, Inc. for the Transportation Division for on-call electrical services for traffic calming devices in the amount of \$100,000 for a total contract amount not to exceed \$600,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,052–N.S. (Contract No. 32000078); and Resolution No. 71,053–N.S. (Contract No. 32000093).

Consent Calendar

15. **Contract: Turnstone Data Inc. for Parking Data Analytics Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract with an option for two one-year extensions, that require no additional funding, with Turnstone Data Inc., to provide parking data analysis and visualization services in an amount not to exceed \$375,000 for the period from January 1, 2024 through December 31, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,054–N.S.

Council Consent Items

16. **Budget Referral: Berkeley Food Network to address increased demand**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$200,000 to the November 2023 AAO #1 process to address the increased number of people experiencing food insecurity in Berkeley including people in danger of eviction due to the COVID-19 eviction moratorium expiration and rent debt due to inflation and rental increases. The proposed funding source is FY 2023-2024 Measure P tax receipts.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Humbert added as a co-sponsor. Approved recommendation.

Recess 7:50 p.m. – 8:14 p.m.

Action Calendar – Public Hearings

17. **Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development** (*Item contains supplemental material.*) (Continued from July 25, 2023)

From: City Manager

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

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 23 speakers.

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

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

Councilmember Taplin absent 9:09 p.m. – 9:18 p.m.

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

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

Action: M/S/Failed (Kesarwani/Taplin) to adopt the first reading of an ordinance as submitted in Supplemental Communications Packet #1 by the Planning and Development Department with the following additional direction.

1. Defer adoption of the parking requirement for Hillside Overlay specified in TABLE 23.322-1: REQUIRED OFF-STREET PARKING IN RESIDENTIAL DISTRICTS and TABLE 23.322-2: REQUIRED OFF-STREET PARKING REQUIREMENTS IN COMMERCIAL DISTRICTS (EXCLUDING C-T) pending the Fire Department's completion of an evacuation study specific to ADUs, as requested by HCD in its enforcement letter dated Oct. 17, 2022
2. Accept Policy Alternative 1. Additional prescriptive standards for New Construction ADUs within the front setback in Section 8.
3. Reject Policy Alternative 2. Converted ADUs: Maintain time limit based on when the accessory building or structure was created in Section 8.
4. Accept Policy Alternative 3. Keep Neighbor Noticing Procedures as-is except removing noticing to owner(s) of subject property in Section 8.
5. Add a 20-foot ADU height limit for units in the Hillside Overlay area.

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

Action: M/S/Failed (Robinson/Arreguin) to adopt the first reading of an ordinance as submitted in Supplemental Communications Packet #2 by Mayor Arreguin and Councilmembers Wengraf and Hahn with the following additional direction.

1. Accept Policy Alternative 1. Additional prescriptive standards for New Construction ADUs within the front setback in Section 8.
2. Accept Policy Alternative 2. Converted ADUs: Maintain time limit based on when the accessory building or structure was created in Section 8.
3. Accept Policy Alternative 3. Keep Neighbor Noticing Procedures as-is except removing noticing to owner(s) of subject property in Section 8.
4. Add a 20-foot ADU height limit for units in the Hillside Overlay area.
5. Add a revision of the text of the third item in the first row of table 23.322-1 to read “ADU within Hillside Overlay: 1 per ADU unless satisfies the criteria in subdivision (d) of Government Code Section 65852.2.[1]” and the addition of note 1 to that same table: “For purposes of Subdivision (d)(1)(A), no parking space is required if the parcel is located within 0.5 mile walking distance of a major transit stop or a high-quality transit corridor as defined in Public Resources Code Section 21155.”

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

Action: M/S/Carried (Arreguin/Wengraf) to continue the item to October 3, 2023.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Wengraf, Robinson, Humbert, Arreguin; Noes – Hahn; Abstain – None; Absent – Harrison.

Council Action Items

18. **Authorizing the City Attorney to Submit an Amicus Brief in Support of the UC Regents in Make UC a Good Neighbor v. Regents of University of California**
From: Mayor Arreguin (Author), Councilmember Robinson (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution Authorizing the City Attorney to submit an amicus brief in support of the University of California Regents' in Make UC a Good Neighbor v. The Regents of University of California, currently before the California State Supreme Court on appeal.
Financial Implications: See report
 Contact: Jesse Arreguin, Mayor's Office, (510) 981-7100
Action: Councilmember Humbert added as a co-sponsor. Moved to Consent Calendar. Adopted Resolution No. 71,055–N.S.
19. **Referral to Rezone Gilman Street to Maximize Revenue Productivity Per Acre**
From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the City Manager and Planning Commission to rezone Gilman Street—a major thoroughfare for entering and exiting the City—from San Pablo Avenue to Interstate 80 to maximize revenue-generating and job-creating uses. Specifically, the rezoning of Gilman Street should consider the following: Potential for applying the Manufacturing, Research and Development (M-RD) zoning district currently planned for the Pacific Steel Casting site to a portion of Gilman street. The M-RD zoning district seeks to better align with development interest by: allowing research and development, office, laboratory, and light manufacturing uses currently not permitted by the existing Manufacturing (M) zoning; and removing protections for existing manufacturing uses and constraints associated with certain development standards; and/or Consider a new zoning designation for a portion of Gilman Street west of San Pablo Avenue to I-80 that maximizes revenue productivity per acre via permitted uses and associated development standards; and Extend West Berkeley Commercial District (C-W) zoning on Gilman Street from Ninth Street further west for a certain number of blocks and enhance the flexibility of C-W development standards to increase the likelihood of redevelopment—in coordination with “Keep Innovation in Berkeley” Council referral (passed on Sept. 13, 2022) that seeks to allow research and development uses in C zones. Refer \$250,000 to the FY 2024-25 budget process for consulting services to assist with the planning process and associated environmental review and economic analyses.
Financial Implications: See report
 Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Moved to Consent Calendar. Councilmembers Wengraf and Robinson added as co-sponsors. Approved recommendation as amended in Supplemental Communications Packet #1 by Councilmember Kesarwani.

Information Reports

20. Settlement of California River Watch Notice of Intent to File Suit

From: City Manager

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

Action: Received and filed.

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

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin;

Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 11:17 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on September 19, 2023.

Mark Numainville, City Clerk

Communications

Berkeley's Crime

1. Robin Kibby
2. Shok Saidmuradov

Police Matters

3. David Freeling
4. Alex Merenkov
5. Carol Denney

Hotel Sales

6. Sabina McMurtry

Visit Berkeley

7. Visit Berkeley

Red Curb

8. Sherleen Brown
9. Amy Campos

Hiring Bonus'

10. Minda Berbeco

Cannabis Policy

11. Getting It Right from the Start

Second Hand Smoke

12. Carol Denny

Willard Park

13. Vincent Casalaina

14. Mary Oram

Homelessness

15. Sharon Sangco, on behalf of Windsor Management (2)

16. Peter Radu, Neighborhood Services

17. Aimee Baldwin

School Expansion

18. Leila Moncharsh

Ohlone Greenway

19. Rachel Edelson

Seismic Prep

20. John Parman

UN Association Venue

21. Dirk Neyhart

New Construction

22. Dan Auten

Gus Newport

23. Boona Cheema

Black Rep

24. Tanya Dennis, Post Newspaper Reporter

Waterfront Specific Plan

25. Claudia Kawczynska, Chair of Parks, Recreation and Waterfront Commission

Supplemental Communications and Reports 1

Item #12: Amendment to the Agreement for Maintenance of State Highways in the City of Berkeley between the California Department of Transportation and the City of Berkeley

26. Phyllis Orrick (2)

27. Marc Hedlund

Item #16: Budget Referral: Berkeley Food Network to Address Increase Demand

- 28. Bob Flasher
- 29. Bob Whalen
- 30. Dona Boatright

Item #17: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 31. Revised material, submitted by Planning and Development

Item #19: Referral to Rezone Gilman Street to Maximize Revenue Productivity Per Acre

- 32. Revised material, submitted by Councilmember Kesarwani

Supplemental Communications and Reports 2

Urgent Item: Revised Resolution for a Joint Homekey Application and Urgency Ordinance to Amend Contract No 32200202 Extending the Lease for Real Property at 1461 University

- 33. Urgency item, submitted by Health, Housing and Community Services
- 34. Eric Friedman

Item #17: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 35. Supplemental material, submitted by Councilmember Kesarwani
- 36. Supplemental material, submitted by Councilmember Wengraf, Councilmember Hahn and Mayor Arreguin
- 37. Richard Thomason
- 38. Catherine Huchting
- 39. Janice Schroeder
- 40. Tony Corman
- 41. Virginia Warheit
- 42. Vicki Sommer
- 43. Irene Rosenthal

Supplemental Communications and Reports 3

Item #17: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 44. Presentation, submitted by Planning and Development Department
- 45. Presentation, submitted by the Fire Department
- 46. George Porter
- 47. Rosemary Hardy
- 48. Carol Hirth
- 49. Lovell Jarvis
- 50. Robin Kibby

51. Liinda Twilling and Basil Boutris
52. Meryl Siegal
53. Gregory Murphy
54. Sybil Hatch
55. Henry DeNero
56. Jan Knecht
57. Donna DeDiemar
58. Ellen Goldblatt
59. Michel Thouati
60. Jenny Wenk
61. Jonathan Khuner
62. Barbara Davis
63. Jon Moses Schickman
64. Bonnie Cediel
65. Nancy Rader
66. Steven Segal
67. Lisa and Tim Goodman
68. John Parman
69. Joann Sullivan
70. Megan Finaly
71. Christopher Kroll
72. David Brandon
73. Chrise de Tournay Birkhahn
74. Susan Nunes Fadley
75. Kathleen Giustino
76. Marjorie Lasky
77. Jonathan Khuner
78. Phyllis Orrick
79. Alexander Benn
80. Michael Katz
81. Judith Schelly
82. Bruce Smith
83. Paul Jacobs
84. Councilmember Hahn
85. Bruce and Bette Flushman
86. Peggy Radel
87. Aviv Nitsan
88. Bryce Nesbitt
89. Peggy Radel
90. Colby Olds
91. Julie Lamont and Phil Price
92. Candace Hyde-Wang
93. Kevin Casey
94. Tom Edwards
95. Becky Price
96. Thomas Plagge

97. Ian Meyers
98. Mary Lee Noonan
99. David Sherertz
100. Kelly Hammargren
101. John Parman
102. Debra Guckenheimer
103. Fan and Jim Albritton
104. Mary Stevens and Norbert Jeske
105. Joan Lester
106. Patrick Sheahan
107. Nick Eckenwiler
108. Jessica Abbe
109. Catherine Lazio
110. Virginia Warheit
111. Todd Andrew
112. S. Entwistle
113. Ellen Barth
114. Diane Kanegae
115. Candace Hyde-Wang
116. Becca Freed
117. Jeffrey Heller
118. Amelia Fernholz
119. Lori Perlstadt
120. Bianca Walser
121. Eric
122. Barbara Gilbert
123. Eric Snow
124. Lisa Goodman
125. Robert Clear
126. Dorothea Dorenz
127. Theo Posselt
128. 58 similarly-worded form letters
129. 288 similarly-worded form letters

Item#19: Referral to Rezone Gilman Street to Maximize Revenue Productivity Per Acre

130. Donna DeDiemar

Communications

131. Berkeley Launches Specialized Care Unit (SCU)
132. Debbie Notkin of Public Bank

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, SEPTEMBER 26, 2023

5:00 P.M.

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*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/1614522259>. 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: **161 452 2259**. 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.

Preliminary Matters

Roll Call: 5:06 p.m.

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

Absent: Bartlett

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

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

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

- a. Claim of D.L. Falk Construction Inc.

The document constituting the threat of litigation under Government Code section 54956.9, subdivision (e)(3), is attached for public inspection.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:37 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on September 26, 2023.

Mark Numainville, City Clerk

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

**Tuesday, September 26, 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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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/1611020299> 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: **161 102 0299** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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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: 6:10 p.m.

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

Absent: None

Action Calendar – Public Hearings

1. **ZAB Appeal: 705 Euclid Avenue, Use Permit #ZP2022-0104**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution to modify and approve the project approved by the Zoning Adjustments Board (ZAB) for Use Permit (# ZP2022-0104) to construct a new three-story, 4,528 square foot single family dwelling with two parking spaces and associated retaining walls located in the setbacks, on a 6,024 square foot vacant lot, and dismiss the appeal. The original project has been revised, as described in Response 1 of this report, to reduce the maximum building height by approximately two feet (from 41-foot, 11-inches to 39-feet, 5-inches).

Financial Implications: See report.

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

Public Testimony: The Mayor opened the public hearing. 3 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

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

Councilmember Bartlett absent 7:01 p.m. – 7:08 p.m.

Action: M/S/C (Robinson/Humbert) to adopt Resolution No. 71,056–N.S. to modify and approve the revised project approved by the Zoning Adjustments Board (ZAB) for Use Permit (# ZP2022-0104) to construct a new three-story, 4,528 square foot single family dwelling with two parking spaces and associated retaining walls located in the setbacks, on a 6,024 square foot vacant lot, and dismiss the appeal. The original project has been revised, as described in Response 1 of this report, to reduce the maximum building height by approximately two feet (from 41-foot, 11-inches to 39-feet, 5-inches).

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

2. **ZAB Appeal: 1598 University Avenue, Use Permit #ZP2022-0099**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Use Permit ZP#2022-0099, to demolish a non-residential structure and construct a 127,492 square foot, eight-story (89 feet-2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and a 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus Law, subject to revised conditions of approval.

Financial Implications: See report.

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

Public Testimony: The Mayor opened the public hearing. 12 speakers.

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

Vote: All Ayes.

Action: M/S/C (Harrison/Taplin) to adopt Resolution No. 71,057–N.S. affirming the decision of the Zoning Adjustments Board to approve Use Permit ZP#2022-0099, to demolish a non-residential structure and construct a 127,492 square foot, eight-story (89 feet-2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and a 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus Law, subject to revised conditions of approval with the revised/added conditions of approval below.

- COA #65 Transportation – Utility Box. The applicant shall relocate the utility box structures located at the intersection of University Avenue and California Street with direction and approval from the City and utility providers.
- COA #66 Transportation-Loading Zone. Loading zone areas shall be located on California Street, adjacent to the southern portion of the parcel, with placement and length of loading zone subject to city traffic engineering approval.
- COA #70 Landscape Maintenance. All landscaping per the attached approved drawings dated May 3, 2023 shall be maintained in perpetuity with the project.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:06 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting held on September 26, 2023.

Mark Numainville, City Clerk

Communications

Item #1: ZAB Appeal: 705 Euclid Avenue, Use Permit #ZP2022-0104

1. Shona Armstrong, on behalf of Harper & Armstrong, LLP

Item #2: ZAB Appeal: 1598 University Avenue, Use Permit #ZP2022-0099

2. Nancy Richerson
3. Elizabeth Sharada Kowal

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: ZAB Appeal: 1598 University Avenue, Use Permit #ZP2022-0099

4. David Ushijima
5. Toni Mester
6. Maha Parameswaran
7. Bentley Drake
8. Larry Mandella

Supplemental Communications and Reports 3

Item #1: ZAB Appeal: 705 Euclid Avenue, Use Permit #ZP2022-0104

9. Presentation, submitted by Planning and Development
10. Anonymous voice messages

Item #2: ZAB Appeal: 1598 University Avenue, Use Permit #ZP2022-0099

11. Presentation, submitted by Planning and Development
12. Elizabeth Kowal (2)
13. Isaiah Stackhouse, on behalf of Trachtenberg Architects
14. Anonymous

Miscellaneous Communications

15. Zoom Meetings – Todd Andrew
16. Doomsday Asteroid – Mr. Eid

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

MONDAY, OCTOBER 2, 2023

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

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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*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/1602668772>. 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: **160 266 8772**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 3:06 p.m.

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

Absent: Kesarwani, Bartlett

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

CLOSED SESSION:

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

1. 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.

2. 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; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:27 p.m.

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

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 3, 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: 6:11 p.m.

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

Absent: Taplin, Bartlett

Councilmember Taplin present at 6:22 p.m.

Councilmember Bartlett present at 6:27 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 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 Dysautonomia Awareness Month
2. Recognition of Indigenous Peoples Day, October 9, 2023
3. Adjourned in Memory of Christopher Adams, Former City Commissioner
4. Adjourned in Memory of Maura Ghizzoni, Berkeley Resident

City Auditor Comments:

The City Auditor condemned the recent incidents of hate speech at public meetings and thanked the Council for their response to the incidents.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:26 p.m. – 7:49 p.m.

Public Comment by Employee Unions: 1 speaker.

Action: M/S/C (Arreguin/Humbert) to accept an urgency item from Councilmember Wengraf pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Re-Affirming City of Berkeley's Condemnation of Anti-Semitism and Other Expressions of Hate Speech.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Resolution Re-Affirming City of Berkeley's Condemnation of Anti-Semitism and Other Expressions of Hate Speech

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

Recommendation: Adopt a Resolution Re-Affirming the City of Berkeley's Condemnation of Anti-Semitism and all forms of Hate Speech.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Adopted Resolution No. 71,058–N.S.

1. **Utility Easement: Bolivar Drive – East Bay Municipal Utility District**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,883–N.S. authorizing and directing the City Manager to convey a utility easement to the East Bay Municipal Utility District along Bolivar Drive at Aquatic Park.

First Reading Vote: Vote: All Ayes.

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,883–N.S.

Consent Calendar

- 2. 2024 Tax Rate: Transportation Network Company User Tax**
From: City Manager
Recommendation: Adopt a second reading of an Ordinance No. 7,886–N.S. setting the 2024 tax rate (effective January 1, 2024) for the transportation network company at the following rates: 56.162 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 27.424 for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.
First Reading Vote: Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,886–N.S.
- 3. Authorizing a Lease of 830 University Avenue to Lifelong Medical Care**
From: City Manager
Recommendation: Adopt a second reading of an Ordinance No. 7,887–N.S. authorizing the City Manager to enter into a lease for 830 University with Lifelong Medical Care (Lifelong).
First Reading Vote: Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted second reading of Ordinance No. 7,887–N.S.
- 4. Police Accountability Board – Appointment of New Member**
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Robinson.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 71,059–N.S.
- 5. Revenue Contract with City of Emeryville for Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a revenue contract and all necessary amendments with the City of Emeryville for a term of 33 months (Oct 6, 2023 – June 30, 2026) at a total amount not to exceed \$235,548.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,060–N.S.

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 3, 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: See report

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

Action: Approved recommendation.

7. Contract No. 9791 Amendment: Environmental Systems Research Institute, Inc. (ESRI) for Enterprise Graphical Information Systems (GIS) Software License Maintenance and Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9791 with Environmental Systems Research Institute, Inc. (Esri) for Enterprise GIS software license maintenance and support, increasing the amount by \$279,750 for a not-to-exceed total of \$900,750 for the period of July 1, 2023 through June 30, 2026.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,061–N.S.

8. Contract No. 114382-1 Amendment: M.C. Dean for UPS Maintenance

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 114382-1 with M.C. Dean, Inc. for Uninterrupted Power Supply (UPS) maintenance, increasing the amount by \$115,016 for a total not to exceed \$261,922 from July 1, 2014 to June 30, 2026.

Financial Implications: IT Cost Allocations Fund - \$115,016.

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

Action: Adopted Resolution No. 71,062–N.S.

Action Calendar – Public Hearings

9. Ambulance Transport Fee Increase

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective July 1, 2023, for the Cities of Alameda, Albany, Berkeley, and Piedmont. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 70,726–N.S.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

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. 71,063–N.S.

Vote: All Ayes.

10. Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development (Continued from September 19, 2023) (Item contains revised and supplemental material)

From: City Manager

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

Financial Implications: See report

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

Action: M/S/C (Arreguin/Kesarwani) to re-open the public hearing. 11 public speakers.

Vote: All Ayes.

Action: M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: All Ayes.

Action: M/S/Carried (Wengraf/Hahn) on the severed portion of the substitute motion to accept Policy Alternative #1 regarding the front setback as proposed by Councilmember Wengraf in the Supplemental materials submitted for the October 3 meeting.

Vote: All Ayes.

Action Calendar – Public Hearings

Action: M/S/Failed (Wengraf/Hahn) on the severed portion of the substitute motion to accept Policy Alternative #2 regarding the time restrictions for conversions.

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

Action: M/S/Carried (Wengraf/Hahn) on the severed portion of the substitute motion to accept Policy Alternative #3 regarding neighbor noticing.

Vote: All Ayes.

Action: M/S/Failed (Wengraf/Hahn) to:

- 1) Adopt the Ordinance as proposed by the Planning and Development Department in Supplemental Communications Packet #2 for the October 3, 2023 meeting.
- 2) Adopt Policy Alternatives 1 and 3
- 3) Keep the height requirements as proposed by staff (not adopting 20-foot uniform height standard citywide).
- 4) Refer to the City Manager to consider changes to development standards with specific consideration for setbacks, height, and building separation, for accessory buildings and structures to promote fire safety citywide.
- 5) Request for an annual report on ADUs, JADUs, the rents of those units, and the utilization of those units in order to count ADUs for RHNA goals.

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

Action: M/S/Carried (Kesarwani/Humbert) on the severed portion of the main motion to include the 20-foot uniform height limit citywide.

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

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to accept Policy Alternative #1 regarding the front setback as proposed by Councilmember Wengraf in the Supplemental materials submitted for the October 3 meeting.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to reject Policy Alternative #2 regarding the time restrictions for conversions.

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

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to accept Policy Alternative #3 regarding neighbor noticing.

Vote: All Ayes.

Action Calendar – Public Hearings

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to use the definition of public transit in Government Code Section 65852.2(j)(11).

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

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to refer to the City Manager to conduct a resident survey or to use publicly available data on ADU rent levels to anticipate affordability, as described in the HCD ADU Handbook on pg. 26, contingent on available funding.

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

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to refer to the City Manager to consider changes to development standards with specific consideration for setbacks, height, and building separation, for accessory buildings and structures to promote fire safety citywide.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Humbert) on the severed portion of the main motion to refer to the City Manager to return to Council when the evacuation study is completed.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Humbert) to:

- 1) Adopt first reading of Ordinance No. 7,888–N.S. as proposed by the Planning and Development Department in Supplemental Communications Packet #2 for the October 3, 2023 meeting. Second reading scheduled for November 7, 2023.
- 2) Modify the language in the ordinance on transit to use the definition of public transit in subdivision (j)(11) of Government Code Section 65852.2.
- 3) Accept Policy Alternative 1 as proposed by Councilmember Wengraf in the Supplemental materials submitted for the October 3 meeting.
- 4) Reject Policy Alternative 2 (3-year restriction on conversion of AB to ADU).
- 5) Accept Policy Alternative 3 (neighborhood notice).
- 6) Adopt a 20-foot uniform height Citywide as recommended in the Supplemental materials from Councilmember Kesarwani submitted for the October 3 meeting.
- 7) Refer to the City Manager to return to Council with the results of the evacuation study specific to ADUs for the Hillside Overlay District for the purpose of considering any modifications to the ADU Ordinance.
- 8) Refer to the City Manager to conduct a resident survey or to use publicly available data on ADU rent levels to anticipate affordability, as described in the HCD ADU Handbook on pg. 26, contingent on available funding.
- 9) Refer to the City Manager to consider changes to development standards with specific consideration for setbacks, height, and building separation, for accessory buildings and structures to promote fire safety citywide.

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

Action Calendar – Old Business

11. **Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention** (*Continued from June 27, 2023*)
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Moved to Consent Calendar. Held over to October 10, 2023 meeting.

Information Reports

12. **Sanctuary City Contracting Compliance Report for FY 2023**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
13. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.

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

Adjournment

Action: M/S/C (Arreguin/Humbert) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:05 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting held on October 3, 2023.

Mark Numainville, City Clerk

Communications

Garbage Rates

1. Melanie Lawrence and John Smail

2274 Shattuck

2. Melanie Lawrence

Tool Lending Library

3. David Lerman

Ohlone Park

4. Walter Wood

Police Matters

5. Janice Schroeder

Berkeley Marina

6. Peter Kuhn

Berkeley Commissioners

7. Cameron Woo

BART

8. Jack Kurzweil

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

Staff Shortages

10. Eric Friedman

Lights and Paving

11. Kathleen Davis

BioTech Labs

12. Ryian Adam Matthews

Senior Citizen

13. Sharon Turnoy

Marina Dock Replacement

14. Camille Antinori

United Artist Theater

15. Allen Michaan

Gasoline Leaf Blowers

16. Nina Sprecher

Berkeley Diversity

17. Sacha

Longfellow School

18. Anthony Vidal

19. Mara Greenaway

- 20. Liz Linden
- 21. James Angus

Ohlone Greenway

- 22. Mary Behm-Steinberg

Hopkins Corridor

- 23. Robion Kirby

McGee Avenue and Allston Way

- 24. Cheng Zhang

Landlords

- 25. Diana Bohn

Waterfront Specific Plan

- 26. Jim McGrath

Youth Peace

- 27. Youth Peace Program

Fight Inequity

- 28. Sylvia Mendez

Berkeley Flag

- 29. Aditya Prathap

URL's Only

- 30. Vivian Warkentin

Supplemental Communications and Reports 1

Item #10: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 31. Revised material, submitted by Planning and Development
- 32. Jamie Candelaria, on behalf of the Department of Housing and Community Development
- 33. Marvin Snow
- 34. Valerie Knepper
- 35. E. Louise
- 36. Joan Andersson
- 37. Bruce Feingold

Supplemental Communications and Reports 2

Item #10: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 38. Revised material, submitted by Planning and Development
- 39. Supplemental material, submitted by Councilmember Harrison
- 40. Supplemental material, submitted by Councilmember Wengraf
- 41. Supplemental material, submitted by Councilmember Kesarwani
- 42. Bret Peterson
- 43. Claire Broome
- 44. Ranjit Bharvirkar
- 45. Ryan O'Connell
- 46. Kelly Hammargren
- 47. George Porter
- 48. Robert Sonderegger
- 49. Christine Rosen
- 50. Shirley Dean

Urgent Item: Adopt a Resolution Re-Affirming the City of Berkeley's Condemnation of Anti-Semitism and all forms of Hate Speech

- 51. Urgent item, submitted by Councilmember Wengraf

Supplemental Communications and Reports 3

Item #10: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development

- 52. California Housing Defense Fund
- 53. Virginia Browning
- 54. Alden Mudge
- 55. Ryan O'Connell
- 56. Richard Thomason
- 57. Alex Benn
- 58. David Mendelsohn
- 59. Phyllis Orrick
- 60. Lisa and Tim Goodman
- 61. Jan Knecht
- 62. Debra Sanderson (2)
- 63. Kelly Hammargren
- 64. Mary Stevens
- 65. George Porter
- 66. Zela Claiborne
- 67. J. Eric Barko
- 68. Steven Segal
- 69. Jonathan Bailey
- 70. Todd Andrew
- 71. Bryce Nesbitt
- 72. Todd Jersey

Miscellaneous Communications

73. Berkeley Specialized Unit (SCU)

74. Indigenous People's Day

75. Monstrous Housing Crises - Anonymous

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, OCTOBER 10, 2023

3:00 P.M.

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 3:11 p.m.

Present: Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Kesarwani, Taplin, Bartlett, Harrison

Councilmember Kesarwani present 3:15 p.m.

Councilmember Taplin present 3:29 p.m.

Councilmember Bartlett present at 3:38 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

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; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 4:19 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 10, 2023.

Mark Numainville, City Clerk

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

**Tuesday, October 10, 2023
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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*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/1611670896>. 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: **161 167 0896**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:42 p.m.

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

Absent: None

Worksession

1. City Council Legislative Systems Redesign

From: Agenda & Rules Committee

Contact: Jesse Arreguin, Mayor, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150, Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: 3 speakers. Presentation made and discussion held. New and existing materials referred to the Agenda & Rules Committee for further consideration.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:31 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on October 10, 2023.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: City Council Legislative Systems Redesign

1. Supplemental material, submitted by Councilmember Harrison, Robinson and Taplin
2. David Couch
3. Summer Brenner
4. Lori Kossowsky
5. Janice Schroeder
6. Bernard Marszalek
7. Beverly Crawford

8. Carol Hirth
9. Melanie Lawrence and John Smail
10. David Bacon
11. Eric Friedman
12. Lisa Bruce
13. Elana Auerbach

Supplemental Communications and Reports 3

Item #1: City Council Legislative Systems Redesign

14. Presentation, submitted by Councilmember Hahn
15. Meryl Siegal
16. Gary McDole
17. Sally Nelson
18. Tse-Sung Wu

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 10, 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
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Preliminary Matters

Roll Call: 6:32 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 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. Adjourned in Memory of Lloyd A. Edwards II, Berkeley Native and Civic Leader
2. Adjourned in Memory of all persons who have died through acts of terrorism

City Manager Comments:

The City Manager presented an update on the Homeless Response Team.

Public Comment on Non-Agenda Matters: 11 speakers.

Action: M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Opening the Dwight Triangle.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 11 speakers.

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

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

Councilmember Harrison absent 7:42 p.m. – 8:01 p.m.

Councilmember Bartlett absent 7:43 p.m. – 8:01 p.m.

Consent Calendar

Urgent Item: Opening the Dwight Triangle

From: Councilmember Robinson (Author), Councilmember Humbert (Co-Sponsor)

Recommendation:

Refer to the City Manager to open the fence-enclosed space in the Dwight Triangle, at the intersection of Telegraph Avenue and Dwight Way, for public use and recreation. Additionally, refer to the City Manager to install permanent chess tables and benches and to consider any landscaping improvements deemed necessary by staff.

Refer \$25,000 to the November AAO #1 budget process for improvements to the Dwight Triangle, including but not limited to permanent chess tables, benches, landscaping improvements, traffic calming, and signage associated with opening the Dwight Triangle for public use and recreation. City staff should consider if existing funds are able to be utilized to allow the space to be improved sooner.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation.

Consent Calendar – Continued Business

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

(Continued from October 3, 2023)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,888-N.S. amending Berkeley Municipal Code (BMC) Title 23, and repealing BMC Chapter 12.99, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.

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

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,888–N.S.

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

Consent Calendar

1. *Item Removed by the City Manager*** City Council Rules of Procedure and Order Revisions**

From: City Manager

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

Consent Calendar

2. Write-Off of a Delinquent Revolving Loan Fund (RLF) Balance of \$25,000 Owed by Kidventurez, Inc.

From: City Manager

Recommendation: Adopt a Resolution authorizing the write-off of the outstanding loan balance of \$25,000 owed by Kidventurez Inc. to the City's federally-funded Revolving Loan Fund (RLF) in accordance with the RLF Administrative Plan.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,064–N.S.

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 10, 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: See report

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

Action: Approved recommendation.

4. Revenue Contracts: Aging Services Programs, Fiscal Years 2024 - 2026

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2024 thru Fiscal Year 2026 (FY2024-FY2026):

a. Congregate Meals in an amount not to exceed \$213,000;

b. Home Delivered Meals in an amount not to exceed \$440,000;

c. Family Caregiver Support Program in an amount not to exceed \$126,500;

d. Senior Center Activities in an amount not to exceed \$136,000; and

e. Information and Assistance Services in an amount not to exceed \$460,000.

Financial Implications: See report.

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

Action: Adopted Resolution No. 71,065–N.S. (Congregate Meals), Resolution No. 71,066–N.S. (Home Delivered), Resolution No. 71,067–N.S. (Family Caregiver), Resolution No. 71,068–N.S. (Senior Center), Resolution No. 71,069–N.S. (Information and Assistance).

Consent Calendar

5. Develop and maintain Homelessness Prevention reporting module in City Data Services for Streamlined Community Agency Contract Administration and Monitoring

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100038 with City Data Services (CDS) to allocate \$10,760 to develop and maintain a Homelessness Prevention module in the online data management system utilized by the Department of Health, Housing and Community Services (HHCS) for a total contract not to exceed amount of \$139,400.

Financial Implications: General Fund - \$10,760

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

Action: Adopted Resolution No. 71,070–N.S.

6. Establish Classification and Salary Range – Graphic Designer

From: City Manager

Recommendation: Adopt a Resolution establishing the unrepresented classification and salary range of Graphic Designer as outlined, with an hourly range of \$39.5233 - \$48.5000 and an annual salary range of \$82,208.4870 - \$100,880.0000.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,071–N.S.

7. Contract: EdgeSoft for Data Automation Services and Support for Toxics Management Division

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Fremont’s existing contract and any amendments with EdgeSoft Inc., to provide data automation services and support for the Toxics Management Division from December 1, 2023 until November 31, 2028 in an amount not to exceed \$128,375.

Financial Implications: CUPA Fund - \$128,375

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

Action: Adopted Resolution No. 71,072–N.S.

Consent Calendar

- 8. Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Flock Safety to provide Automated License Plate Reader (ALPR) cameras services for the Berkeley Police Department (BPD), in an amount of \$344,500 for a total contract amount not to exceed \$425,000, and extending the term for a period of time of two years from the date of implementation.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,073–N.S.
Vote: Ayes – Kesarwani, Taplin, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Hahn; Absent – Bartlett, Harrison.
- 9. Contract No. 32300191 Amendment: Pacific Site Management: Landscaping Services for Public Works and Health, Housing, and Community Services Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300191 with Pacific Site Management to increase the spending authority by \$150,000 for a total not to exceed \$260,000.
Financial Implications: See Report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,074–N.S.
- 10. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$350,000 for a total contract amount not to exceed \$480,000; and to extend the contract term through June 30, 2025.
Financial Implications: Various Funds - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,075–N.S.

Consent Calendar

- 11. Grant Application: Safe Routes to BART Grant Program for the Ohlone Greenway Modernization and Safety Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: Submit a grant application to Bay Area Rapid Transit (BART) to receive up to \$3 million from the Safe Routes to BART (SR2B) Grant Program to help close the funding gap for construction of safety-related improvements to the Ohlone Greenway shared-use pathway as part of the Ohlone Greenway Modernization and Safety Project; Accept the grants awarded; and Execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,076–N.S.
- 12. Purchase Order: Western Truck Center for Four Front Loaders**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase of four (4) Front Loaders with Western Truck Center in an amount not to exceed \$2,050,000.
Financial Implications: Equipment Replacement Fund - \$2,050,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,077–N.S.
- 13. Renewal of the Elmwood Avenue BID for Calendar Year 2024**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024 and 3) direct the City Clerk to schedule a public hearing on the renewal and expansion of the assessment area for November 14, 2023.
Financial Implications: See report
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 71,078–N.S.

Consent Calendar

14. **Renewal of the Solano Avenue BID for Calendar Year 2024**

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 14, 2023.

Financial Implications: See report

Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 71,079–N.S.

Recess 8:01 p.m. – 8:21 p.m.

Action Calendar – Continued Business

B. **Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention** (*Continued from October 3, 2023*)

From: City Manager

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

Action: 3 speakers.

Information Reports

15. **Fiscal Year 2024 Civic Arts Grant Awards**

From: City Manager

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

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 2 speakers.

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.

Councilmember Wengraf absent 8:58 p.m. – 9:00 p.m.

Adjourned at 9:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 10, 2023.

Mark Numainville, City Clerk

Communications

Fire Lessons

1. Barbara Gilbert
2. Susan Nunes
3. Kelly Hammargren

Parking Enforcement

4. Jesse McCaffrey

Camping in Parks

5. David Lerman

Waterfront Specific Plan

6. Robert Ofsevit

Southside Complete Streets

7. Dan Auten

Hazardous Waste Drop-off

8. David Lerman

Ohlone Path

9. Carol Denney

Bio Labs

10. Anne Herrick (2)
11. Biolab Watch

Cannabis Assessment

12. Ryan Whitacre

Golden Gate Fields

13. Judd Goodman

Crime

14. Melissa Jones
15. Nina Lyons

Event Signage

16. Isabella

Paving Funding

17. Eric Friedman

Signs Creating Blight

18. Justine Tenzeldam

Cycling and Pedestrian Upgrades

19. Heather Ball

Parking Ticket Error

20. Constance Hale

Electric Micromobility Permit

21. Todd Andrew

Trash Bills

22. Paul Worthman

Berkeley Today Event Invite

23. Beth Roessner, on behalf of Berkeley Chamber

URL's Only

24. Vivian Warkentin

Supplemental Communications and Reports 1

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.

25. Jean Paul Bourdier

Supplemental Communications and Reports 2

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

26. Todd Jersey

27. Theo Posselt

28. Kathleen Frumkin

Consent Calendar

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.

- 29. Sandy Lee
- 30. Sabina Ghimire
- 31. Sagar Jethani
- 32. Sarika Shinde
- 33. Jill Travis
- 34. Roberto Reynoso
- 35. Karen Skinner
- 36. Melissa Jones

Urgent Items

Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to promote Chess on Telegraph Avenue

37. Urgent item, submitted by Councilmember Robinson

Opening the Dwight Triangle

38. Urgent item, submitted by Councilmember Robinson

Supplemental Communications and Reports 3

City Manager Comments

39. Presentation, Homeless Team Update

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

40. George Lakoff

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.

- 41. Susan Dally
- 42. Talne
- 43. Lori Zavela
- 44. Jeannie Cecka
- 45. Grace Pokorny
- 46. Saralynn Ness
- 47. Ingrid Safranek

Item B: Status Report – Berkeley’s Financial Condition (FY 2012-FY 2021): Pension Liabilities and Infrastructure Need Attention

- 48. Presentation, submitted by the Budget Office
- 49. Jenny Wong, City Auditor

Urgent Items

Opening the Dwight Triangle

- 50. Greg Hoff
- 51. Anawin Juntanamalaga

- 52. Doris Moskowitz, on behalf of Moe's Books
- 53. Marc Weinstein, on behalf of Amoeba Music

Miscellaneous Communications

- 54. Messages from Mr. Eid