



REVISED AGENDA
(ADDED CONTINUED ITEMS FROM MARCH 12, 2024)
BERKELEY CITY COUNCIL MEETING
Tuesday, March 19, 2024
6:00 PM

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

TELECONFERENCE LOCATION - ROSARITO BEACH HOTEL, BLVD. BENITO JUÁREZ 31, ZONA CENTRO, 22700 PLAYAS DE ROSARITO, B.C., MEXICO

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618484137>. 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: **161 848 4137**. 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.*

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 public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

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

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

1. Presentation: AC Transit Update on the Durant Quick Build Project

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

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

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak*

Consent Calendar

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

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

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

Consent Calendar

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

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

Consent Calendar – Continued Business

- A. Acquisition of Real Property Located at 1900 Fourth Street** *(Continued from March 12, 2024)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 19, 2024**
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: General Fund - \$120,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 2. Contract No. 32200150 Amendment: Range Maintenance Services LLC for Indoor Range Cleaning**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200150 with Range Maintenance Services LLC to perform indoor range cleaning services from \$45,000 to an amount not to exceed \$150,000 extending from January 8, 2024 to December 1, 2028.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

3. Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Management System, Parking Meter Maintenance, and Conversion to Pay-by-Plate Pay Stations

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to: -Extend the contract from June 30, 2024 through June 30, 2026 for IPS Group, Inc. to continue servicing parking meters and providing replacement parts; - Provide 225 new multi-space pay-by-plate stations to replace the existing multi-space pay-and-display stations in the City; and - Increase the contract amount by \$3,865,300 for a total contract amount of \$12,790,172.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

4. Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 115731-1 (Contract No. 10661B in FUNDS) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life in the City's three parking garages -- Center Street, Oxford and Telegraph Channing -- extending the term by two years to June 30, 2026 and increasing the contract amount by \$919,815 for a total not-to-exceed of \$2,915,355.

Financial Implications: See report.

Contact: Andrew Murray, Public Works, (510) 981-6300

5. Grant Application: GFO-23-606 - Charging Infrastructure for Government Fleets
From: City Manager

Recommendation: Adopt a Resolution: Authorizing the City Manager or their designee to submit a Grant application in response to the California Energy Commission's solicitation GFO 23-606 Charging Infrastructure for Government Fleets Grant Program for City electric vehicle (EV) charging infrastructure projects; Authorizing the City Manager to sign a Letter of Commitment for the local matching funds; and Referring the required local match, 30% of the total project cost, to the FY 2025-2026 Budget process for consideration of the City's General Fund (Fund 011).

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

6. *Item Removed by the City Manager*** Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments**

From: City Manager

Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

7. Purchase Order: Owen Equipment Sales for One Combination Storm Sewer Cleaner

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) Contract #101221-VTR and authorizing the City Manager to execute a purchase order for one (1) Combination Storm Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$665,000.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

8. East Bay Hills Wildfire Prevention Coordinating Group Representative Selection

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution to appoint Vice Mayor Susan Wengraf as the City of Berkeley's Representative Member to the East Bay Hills Wildfire Prevention Coordinating Group, and Councilmember Mark Humbert as the Alternate.

Financial Implications: None

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

Action Calendar

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

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

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – New Business

9. **Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300

Information Reports

10. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
11. **LPO NOD: 2144 Shattuck Avenue/#LMSAP2023-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
12. **LPO NOD: 2274 Shattuck Avenue, #LMIN2023-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
13. **Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**
From: City Manager
Contact: Andrew Murray, Public Works, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 14, 2024.***

A handwritten signature in black ink, appearing to read "Mark Numainville". The signature is written in a cursive, flowing style.

Mark Numainville, City Clerk

## Communications

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

### **Traffic Safety**

1. Jeannette MacMillan
2. Ana Vasudeo
3. Arun Dixit
4. Cara Pine

### **Train Noise**

5. David Lerman (2)
6. Lino Ancheta, on behalf of City of Berkeley's Environmental Health

### **Berkeley Landfill at Cesar Chavez Park**

7. Claudia Kawczynska

### **Support for Adding Prohibiting Discrimination of the Basis of Family or Relationship Structure to BMC Code 13.22**

8. The Woodhull Freedom Foundation

### **Bike Plans**

9. Walk Bike Berkeley

### **Restoring Old City Hall and Veterans Buildings**

10. Berkeley Architectural Heritage Association

### **Berkeley Measure H**

11. Barbara Gilbert

### **Alta Bates Hospital**

12. Dorothea Dorenz
13. Lisa Chow

### **Surveillance Cameras**

14. Police Accountability Board

### **North Berkeley BART Bonds**

15. David Lerman

### **SB 330 and Downtown Theaters**

16. Virginia Warheit



### **People's Park**

17. Moni Law (2)

### **Affordable and Middle Housing**

18. Kaden Nguyen

19. Owen Thompson-Lastad

### **Hate Crimes**

20. Atalea Jacob (2)

### **Fire Alarm Issue at 2510 Bancroft Street**

21. Marlo De La Mora

### **URL's Only**

22. Vivian Warkentin

### **Gaza and Israel**

23. Christina Harb

24. Kaizen8forever@

25. James Mcfadden

26. Hannah Schlacter

27. Autumn Goldstein

28. Barbara Erickson

### **Supplemental Communications and Reports**

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

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

