

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 4, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR
Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
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.

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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/1607556641>. 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: **160 755 6641**. 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: 6:02 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:16 p.m.

Councilmember Bartlett present at 6:18 p.m.

Councilmember Bartlett participated in the meeting remotely under the just cause exception in the Brown Act as amended by AB 2449.

Report from Closed Session:

The City Council met in closed session on June 13, 2024 and took the following actions:

Authorized the City Attorney to settle the case of *Lisa Romero v. RI 1031 Gilman LLC, et al.*, Alameda County Superior Court Case No. RG21107163 for \$25,000.00, in exchange for a release of all claims against the City.

Authorized the City Attorney to settle the claim of Peter Wong for property damage caused by a Zero Waste vehicle, in the amount of \$16,315.30.

Approved amendments to Section 30.1 of the Memorandum of Understanding with Berkeley Fire Fighters Association and Section 4.2 of the Berkeley Chief Fire Officers Association, which have been accepted by those employee organizations.

The City Council met in closed session on May 13, 2024 and took the following action:

Approved settlement in the amount of \$60,952.92 to resolve FLSA and MOU claims by members of the Berkeley Fire Fighters Association regarding several add-on pays: Out of Class Pay, Hourly Differential Pay, Excess Sick Leave Payout, and cash-in-lieu of insurance pays.

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 Berkeley Pride Day and the Pacific Center for Human Growth
2. Recognition of the Championship Winning Berkeley High School Speech and Debate Team

City Auditor Comments:

The City Auditor noted several items on the agenda including the Whistleblower Ordinance and the internal audit.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 7 speakers.

Public Comment by Employee Unions: BFFA 1227; SEIU CSU/PTRLA; SEIU M&C

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

Action: M/S/C (Arreguin/Wengraf) to add an urgent item to the agenda pursuant to Government Code Section 54954.2(b)(2) from the City Manager regarding an urgency ordinance for lease of property.

Vote: All Ayes.

Action: M/S/C (Hahn/Humbert) to add an urgent item to the agenda pursuant to Government Code Section 54954.2(b)(2) from Councilmember Hahn regarding parking permits for Berkeley High School employees.

Vote: All Ayes.

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

Vote: All Ayes.

Lease: Urgency Ordinance for leasing the real property at 1250-1288 9th Street, 1226 9th Street, 1249 8th Street, 1225 8th Street, 1223 8th Street, and 1221 8th Street

From: City Manager

Recommendation: Adopt an urgency Ordinance to enter into a lease for the real property located at: 1250-1288 9th Street beginning on 11/1/2024 for 240 months; 1226 9th Street beginning on 1/1/2027 for 214 months; 1249 8th Street beginning on 12/1/2024 for 239 months; 1225 8th Street beginning on 12/1/2024 for 239 months; 1223 8th Street beginning on 12/1/2024 for 239 months; 1221 8th Street beginning on 7/1/2025 for 232 months.

Financial Implications: See Report

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

Action: Adopted Ordinance 7,923-N.S. Effective immediately.

Consent Calendar

Clarification of City Policy on Implementation of Neighborhood Servicing Community Facilities (NSCF) Residential Preferential Parking (RPP) permits for Berkeley High School (BHS)

Recommendation: Adopt a Resolution re-approving the findings and direction provided by the City Council on January 16, 2024 and clarifying that, for purposes of Berkeley High School's Neighborhood Servicing Community Facilities RPP permits, the calculation of the number of permits to be issued shall be as follows: - Multiply the total number of Employees, as defined by Council action on January 16, 2024, by 0.6 to yield the *Maximum Permit Number*; - Subtract the number of parking spaces provided by BHS for Employees from the total number of Employees to yield the *Unparked BHS Employee Number*; - Issue permits for all BHS Employees for whom permits have been requested, up to the *Unparked BHS Employee Number* or *Maximum Permit Number*, whichever is lower/less.

Financial Implications: See Report

Contact: Councilmember Sophie Hahn (510) 981-7150

Action: Adopted Resolution No. 71,358-N.S.

1. Repeal of Berkeley Municipal Code Chapter 12.80

From: City Attorney

Recommendation: Adopt second reading of Ordinance No. 7,907-N.S. repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In *California Restaurant Association v. City of Berkeley*, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

First Reading Vote: All Ayes.

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,907–N.S.

2. Amendment: FY 2024 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,908-N.S. amending the FY 2024 Annual Appropriations Ordinance No. 7,892–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,638,405 (gross) and \$52,765,663 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,908–N.S.

Consent Calendar

- 3. Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports; Amending Berkeley Municipal Code Section 6.24.137**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,909-N.S. amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to: -Establish a schedule of rates for electric vehicle charging stations, and -Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission’s electricity rate increases.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,909–N.S.
- 4. Amendment to Commissioner Leave of Absence Process**
From: Mayor Arreguin (Author)
Recommendation: Adopt second reading of Ordinance No. 7,911-N.S. amending Berkeley Municipal Code (BMC) Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.
First Reading Vote: Ayes – Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Wengraf, Arreguin; Absent – Taplin.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted second reading of Ordinance No. 7,911–N.S.
- 5. Contract: Amira Jackmon Attorney at Law, for Lorin and Gilman Parking Benefit District Formation Services**
From: City Attorney, City Manager
Recommendation: Adopt a Resolution authorizing the City Attorney, acting on behalf of the Office of Economic Development to execute a contract and any necessary amendments with Amira Jackmon, Attorney at Law, for an amount not to exceed \$70,000 for the development of parking benefit districts in the Lorin business district of South Berkeley and the Gilman district in West Berkeley.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950, Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,359–N.S.
- 6. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2025 (FY25) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners’ Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,360–N.S.

Consent Calendar

- 7. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council’s intention to levy an annual assessment for the NSBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,361–N.S.
- 8. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council’s intention to levy an annual assessment for the TBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,362–N.S.
- 9. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council’s intention to levy an annual assessment for the DPBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,363–N.S.
- 10. Contracts: Fine Art Services Providers for the Public Art Collection**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute three contracts and any associated amendments with the following companies for on-call fine art services for the City of Berkeley’s Public Art Collection, for a contract period through June 30, 2026.
-Gizmo Art Production, Inc., for an amount not to exceed \$200,000.
-ARG Conservation Services for an amount not to exceed \$150,000.
-Modify the existing Atthowe Fine Art Service for amount not to exceed \$400,000 (thereby increasing Contract Number 32300137 by \$200,000).
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,364–N.S. (Gizmo); Resolution No. 71,365–N.S. (ARG); and Resolution No. 71,366–N.S. (Atthowe).

Consent Calendar

- 11. FY 2025 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0048%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,912–N.S. Second reading scheduled for June 25, 2024.
- 12. FY 2025 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0064%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,913–N.S. Second reading scheduled for June 25, 2024.
- 13. FY 2025 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0111%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,914–N.S. Second reading scheduled for June 25, 2024.
- 14. FY 2025 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0136%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,915–N.S. Second reading scheduled for June 25, 2024.

Consent Calendar

- 15. FY 2025 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,916–N.S. Second reading scheduled for June 25, 2024.
- 16. FY 2025 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for Business License Tax on large non-profits at \$0.8207 (82.07 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,917–N.S. Second reading scheduled for June 25, 2024.
- 17. FY 2025 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2210 (22.10 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,918–N.S. Second reading scheduled for June 25, 2024.
- 18. FY 2025 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0468 (4.68 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,919–N.S. Second reading scheduled for June 25, 2024.

Consent Calendar

- 19. FY 2025 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency services for the disabled at \$0.02094 (2.094 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,920–N.S. Second reading scheduled for June 25, 2024.
- 20. FY 2025 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1220 (12.20 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted first reading of Ordinance No. 7,921–N.S. Second reading scheduled for June 25, 2024.
- 21. Temporary Appropriations FY 2025**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2024, until the effective date of the FY 2025 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 71,367–N.S.
- 22. Contract No. 32300165 Amendment: KLD Associates: Evacuation and Emergency Response Analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend to Contract No. 32300165 with KLD Engineering, P.C. for evacuation and response time modeling to reassign to KLD Associates through June 30, 2026, and to provide an option to extend for an additional five (5) years and add \$200,000, making initial term plus extension NTE \$600,000 through June 30, 2031.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,368–N.S.

Consent Calendar

- 23. Contract: Pinnacle for Pilot Fire Department Alternative Medical Response Unit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) to provide nurse practitioner services for a pilot alternative medical response unit from June 17, 2024 to January 31, 2025 in an amount not to exceed \$510,000 with an option to extend for three additional one-year terms in a total not to exceed \$2,700,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,369–N.S.
- 24. Contract: Tablet Command for Mobile CAD and Incident Command**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Tablet Command for Mobile Computer Assisted Dispatch (Mobile CAD) and Incident Command by piggybacking on a contract with the Orange County Fire Authority (OCFA). The Berkeley contract will be effective July 1, 2024 and end on September 30, 2024 in an amount not to exceed \$77,250. Following an extension approved by the OCFA, the contract may be extended for up to four additional one-year renewal terms at a cost not to exceed an additional \$65,000 per year.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,370–N.S.
- 25. Amending the Five-Year Plan and Submitting Application for Permanent Local Housing Allocation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or the City Manager's designee to amend the five-year Permanent Local Housing Allocation plan and apply for and accept funds from the State of California's Permanent Local Housing Allocation Program, in an amount not to exceed \$3,321,617.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,371–N.S.

Consent Calendar

- 26. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$500,000 of funding from the American Rescue Plan Act grant for a total not-to-exceed contract amount of \$5,345,500.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,372–N.S.
- 27. Contract No. 32400236 Amendment: Creative Educational Consultants, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend existing Contract No. 32400236 with Creative Educational Consultants, Inc., for the period beginning June 1, 2024, and ending June 30, 2025, as follows: 1) expand the scope to include additional positive youth development opportunities for African American/Black and Latinx Berkeley youth; 2) increase the contract limit by \$25,300 (from \$49,700 to \$75,000); and 3) extend the contract end date to June 30, 2025.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,373–N.S.
- 28. Contract No. 32300197 Amendment: Resource Development Associates for Results Based Accountability Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300197 for \$160,000 and any additional amendments or extensions, with Resource Development Associates (RDA) for Results Based Accountability consulting services. The contract amendment's not-to-exceed amount will be increased to a total of \$539,830 for the period July 1, 2023 through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,374–N.S.

Consent Calendar

29. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2024 to March 30, 2025. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and the Berkeley Technology Academy Health Center (the High School Health Centers).

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 71,375–N.S.

30. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to receive up to the maximum grant award for the following Shelter Plus Care grants and to execute any resultant agreements and amendments. a. A Shelter Plus Care grant from U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,327,914 for COACH Project (COACH) for the period of January 1, 2024 through December 31, 2024; and b. A federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$927,164 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2024 through February 28, 2025; and c. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD) that are estimated to be: 1. \$4,165,069 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2024 through May 31, 2025; and 2. \$2,438,926 for COACH Project (COACH) for the period of January 1, 2025 through December 31, 2025.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 71,376–N.S.

31. 2023 Police Equipment & Community Safety Ordinance Annual Report

From: City Manager

Recommendation: Adopt a Resolution approving the 2023 Equipment Ordinance Annual Report.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,377–N.S.

Consent Calendar

- 32. Active Transportation Program Cycle 7 Grant Funding Applications**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program (ATP) for the following projects: Southwest Berkeley Bike Boulevards for up to \$4 million; Adeline Street Quick-Build for up to \$1.05 million; accept the grants if awarded, and execute any resulting agreements and amendments. Two of these Resolutions are for applications to the Caltrans-administered ATP Statewide grant program, and two are applications to a regional sub-program, administered by the Metropolitan Transportation Commission (MTC).
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,378–N.S. (Bike Boulevards); Resolution No. 71,379–N.S. (Quick-Build); Resolution No. 71,380–N.S. (Local Support); and Resolution No. 71,381–N.S. (Application for Funding).
- 33. Authorize Purchase Order with National Auto Fleet Group for Twenty Ford Police Interceptor Utility (K8A) AWD Vehicles**
From: City Manager
Recommendation: Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures and authorizing the City Manager to execute a purchase order for twenty (20) Ford Police Interceptor Utility (K8A) AWD vehicles with the National Auto Fleet Group in an amount not to exceed \$1,269,808.20.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,382–N.S.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Lunaparra.
- 34. Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras**
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager to execute a contract with Edgeworth Integration, LLC for purchase and installation of External Fixed Video Surveillance Cameras at fifteen council-approved locations, for an amount not to exceed \$850,000.
2. Adopt a Resolution to authorize the installation of additional External Fixed Video Surveillance Cameras under this contract scope should they be approved by City Council, included in the Surveillance Policy and funding appropriated.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Item 34 continued to the June 25, 2024 meeting, including Supplemental Materials from the City Manager.

Consent Calendar

35. **FY 2024/2025 Transportation Development Act Article 3 Fund Allocation**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the June 14, 2024 deadline for \$151,950 of FY 24/25 Transportation Development Act (TDA) Article 3 funding to complete the Berkeley Bicycle Plan update.

2. Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; the project has been reviewed and supported by the Transportation and Infrastructure Commission (TIC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Congestion Management Agency, countywide transportation planning agency, or County Association of Governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Action: Adopted Resolution No. 71,383–N.S. (Allocation Request); and Resolution No. 71,384–N.S. (Declaration).

36. **Reappointment of Monica Renee Jones to the Mental Health Commission**

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the reappointing of Monica Renee Jones to the Mental Health Commission, as a representative of the General Public Interest Category for a second 3-year term beginning June 4, 2024 and ending June 3, 2027. During her first term she was a member of the youth subcommittee and was the Chair for the last year.

Financial Implications: None

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

Action: Adopted Resolution No. 71,385–N.S.

37. **Contract: GPP Analytics Inc. for Independent Third-Party Audit of Payroll Audit Division**

From: Auditor

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders with GPP Analytics Inc. in an amount not to exceed \$120,000 to conduct an independent performance audit of the City Auditor's Office's Payroll Division activities.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,386–N.S.

Consent Calendar

- 38. Amendments to Berkeley's Municipal Code Chapter 2.24 to Establish Whistleblower Program Authority**
From: Auditor
Recommendation: Adopt first reading of an ordinance amending City Auditor's Office (BMC Chapter 2.24) authority and scope of work to formally establish the City Auditor's authority to receive and refer reports of fraud, waste, or abuse as well as investigate those reports and any reports of retaliation against whistleblowers.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Adopted first reading of Ordinance No. 7,922–N.S. Second reading scheduled for June 25, 2024.

Council Consent Items

- 39. Appointment of Interim City Manager**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the appointment of LaTanya Bellow as the Interim City Manager to be effective July 11, 2024 to September 15, 2024 at a prorated rate of pay based upon an annualized salary of \$401,722.10 for the period of service in this role, in addition to employee benefits, and approving an employment agreement.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,387–N.S.
- 40. Appointment of City Manager**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the appointment of Paul Buddenhagen as the City Manager of the City of Berkeley to be effective September 16, 2024 at an annual salary of \$401,722.10 and additional employee benefits, and approving an employment agreement.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,388–N.S.

Consent Calendar

41. **Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)**
Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Back (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmembers Wengraf, Hahn, and Bartlett added as co-sponsors. Adopted Resolution No. 71,389–N.S. including contributions from the following Councilmembers up to the amounts listed: Vice-Mayor Wengraf - \$250; Councilmember Humbert - \$500; Councilmember Hahn - \$250.
42. **Support for H.R. 7849 (Thompson and LaMalfa)**
From: Councilmember Wengraf (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a letter of support for the Disaster Resiliency and Coverage Act of 2024 (H.R. 7849, Thompson and LaMalfa) and send it to Representatives Mike Thompson, Doug LaMalfa, Barbara Lee and Senators Alex Padilla and Laphonza Butler.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Approved recommendation.

Action Calendar – Public Hearings

43. Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the second reading of Ordinance No. 7,903-N.S. which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”).

First Reading Vote: All Ayes.

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/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt second reading of Ordinance No. 7,903-N.S.

Vote: All Ayes.

44. Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,906-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

First Reading Vote: All Ayes.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt second reading of Ordinance No. 7,906-N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

45. ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 7 speakers. M/S/C (Humbert/Taplin) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Lunaparra (Recused – considered and voted on the project as a member of the Zoning Adjustments Board).

Action: M/S/C (Humbert/Kesarwani) to adopt Resolution No. 71,390–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space, and dismiss the appeal, with amendments to modify Conditions 41 and 42 and authorize staff to work with the applicant to finalize the language for Condition 42.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Lunaparra (Recused – considered and voted on the project as a member of the Zoning Adjustments Board).

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

Vote: All Ayes.

Action Calendar – New Business

46. Fiscal Years 2025 and 2026 Proposed Budget and Fiscal Years 2025-2029 Capital Improvement Program

From: City Manager

Recommendation: Receive the Proposed Fiscal Years 2025-2029 Capital Improvement Program and provide comments on the Capital Improvement Program and the Fiscal Years 2025 and 2026 Proposed Biennial Operating Budget.

Financial Implications: See report

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

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

Vote: All Ayes.

Action: 40 speakers. Presentations made on Capital Improvement Program.

Council Action Items

47. Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission *(Reviewed by the Agenda & Rules Committee)*

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

Policy Committee Recommendation: To send the item to the City Council with a negative recommendation.

Financial Implications: None

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

Action: Moved to the Consent Calendar. No action taken.

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

Adjournment

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

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

Adjourned at 11:25 p.m.

Communications

Item #45: ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

1. Law Offices of HansonBridgett

Utility Undergrounding District #48 Project (UUD48)

2. Richard Pettler, Attorney for Gary and Anita Ingram

Retaining Wall and Transformer Installation at 1407 Grizzly Peak

3. Law Offices of Richard Pettler, on behalf of clients Gary and Anita Ingram

Rent Board Offices Closed

4. Robert Hagedorn

Narrow and Crowded Streets

5. Janet Huseby

Parking Lot at University and San Pablo

6. Ryan and Karin

Traffic Deaths

7. Charlotte Daniels

3031 Adeline Street Proposed Building

8. Lynn Cooper

District 7 Website

9. Erik Bigglestone

Merchants Advisement of Street Closures

10. Erik Bigglestone, on behalf of Games of Berkeley
11. Wahid Amiri, Deputy Director of Public Works/Engineering and Transportation (2)

Bay City Paving No Parking Signs

12. Daniel Auten

Support Waterside Workshops

13. Amir Bahman

No International Resolutions

14. Todd Andrew
15. Councilmember Hahn

Solano Stroll Safety

16. Todd Andrew, Chair Solano Avenue Business Improvement District

Berkeley Bike Park

17. Dan Leaverton

Stop Sign and Traffic Light Visibility

18. Cecelia Mautner

Public Nuisance Abatement Complaint for Barkmont

19. Greenfire Law

2274 Shattuck Development

20. Mark Federico Moreno

21. Laura Fujii

Councilmember Assistance

22. Sally Torrez

Kala Art Institute Thank You

23. Ellen Lake

Soliciting on Fourth Street

24. Brian Donahue

Trouble with World Government

25. Vivian Warkentin

Excessive Solar Permit Fees

26. Mathew Hirsch

26-Story Apartment Tower

27. David Lerman

Youth Walkout at King Middle School

28. Sarah Lefton

Cesar Chavez Park Methane Control & Radioactivity

29. Virginia Browning (2)

30. Rain Sussman

Memorial to Irish Students – Graffiti

31. Moni Law

Yom Haatzmaut (Israeli Independence Day)

32. Jewish Coalition of Berkeley

2023 Bayer Annual Report

33. Jennifer Cogley, on behalf of Bayer

2024 Police Accountability Report

34. Office of the Director of Police Accountability

1701 Hopkins

35. Keith Bayne (4)

Middle East Conflict

36. Kyra Ginsburg

37. Sholeh Asgary

38. Jon Jackson

39. Angelina Chen

40. Dorothea Dorenz

41. Aaron Katler

42. Erwan Illian

43. Russel Bates (5)

Supplemental Communications and Reports 1

Item #34: Contract: Edgeworth Integration LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras

44. Revised material, submitted by Public Works

Item 41: Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

45. Supplemental material, submitted by Councilmember Taplin

Item #43: Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

46. Janice Thomas

Item #44: Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Codes

47. Janice Thomas

Supplemental Communications and Reports 2

Item #32: Active Transportation Program Cycle 7 Grant Funding Applications

48. Charles Siegel

Item #43: Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

49. Janice Thomas

50. Mike Kelly

Item #44: Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Codes

- 51. Janice Thomas
- 52. Mike Kelly

Item #45: ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

- 53. Hanon Bridgett Law Firm
- 54. California Housing Defense Fund

Item #46: Fiscal Years 2025 and 2026 Proposed Budget and Fiscal Years 2025-2029 Capital Improvement Program

- 55. Parks, Recreation and Waterfront Commission
- 56. Troy Martinez
- 57. Jeremy Weintraub
- 58. Miranda Weintraub
- 59. Ellen Wu, on behalf of Urban Habitat
- 60. Rahel Smith
- 61. Susan Bassein
- 62. Alfred Twu
- 63. Foresta Sieck-Hill
- 64. Carolyn McKenzie, on behalf of Healthy Black Families
- 65. Supplemental material, submitted by City Manager's Office

Urgent Item

Clarification of City Policy on Implementation of Neighborhood Servicing Community Facilities (NSCF) Residential Preferential Parking (RPP) permits for Berkeley High School (BHS)

- 66. Urgent item, submitted by Councilmember Hahn

Lease: Urgency Ordinance for leasing the real property at 1250-1288 9th Street, 1226 9th Street, 1249 8th Street, 1225 8th Street, 1223 8th Street, and 1221 8th Street

- 67. Urgent Items, submitted by Fire Chief Sprague

Supplemental Communications and Reports 3

Item #23: Contract: Pinnacle for Pilot Fire Department Alternative Medical Response Unit

- 68. Andrea Prichett

Item #39: Appointment of Interim City Manager

- 69. Ben Gerhardstein

Item #43: Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

- 70. Chief David Sprague
- 71. Janice Thomas

Item #44: Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Codes

- 72. Chief David Sprague
- 73. Janice Thomas

Item #45: ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

- 74. Alisha Pember
- 75. Kelilah Federman
- 76. Dylan Casey and James M. Lloyd on behalf of, California Housing Defense Fund
- 77. Sean Marciniak on behalf of Hanson Bridgett (4)

Item #46: Fiscal Years 2025 and 2026 Proposed Budget and Fiscal Years 2025-2029 Capital Improvement Program

- 78. Presentation, submitted by Budget and Fiscal Management
- 79. Presentation, submitted by Information Technology
- 80. Presentation, submitted by Parks, Recreation & Waterfront
- 81. Presentation, submitted by Public Works
- 82. Samatha Kanosky
- 83. Sophia DeWitt
- 84. Ben Gerhardstein
- 85. Peter Waller
- 86. Gregory Kalkanis
- 87. Berkeley Grassroots Leader Support Program
- 88. Young Lives Matter Foundation & the Berkeley Junior Jackets

Urgent Items

Clarification of City Policy on Implementation of Neighborhood Servicing Community Facilities (NSCF) Residential Preferential Parking (RPP) permits for Berkeley High School (BHS)

- 89. Urgent item, submitted by Councilmember Hahn

Lease: Urgency Ordinance for leasing the real property at 1250-1288 9th Street, 1226 9th Street, 1249 8th Street, 1225 8th Street, 1223 8th Street, and 1221 8th Street

- 90. Urgent item, submitted by Fire Chief David Sprague
- 91. John Caner (2)
- 92. Chief Sprague

Miscellaneous Communications

- 93. Eid