

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 23, 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 – IGOR TREGUB

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/1600197323>. 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: **160 019 7323**. 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](mailto: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:** 9:22 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, 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. Recognition in Memory of Former Councilmember Max Anderson
2. Recognition of the 2024 Berkeley Music and Arts Summit
3. Adjourned in Memory of Sonya Massey, Victim of Police Violence

## Report from Closed Session

The City Council met in closed session on July 22, 2024, pursuant to Government Code Section 54956.9(d)(2), and provided direction to outside counsel and approved a Compromise and Release settlement with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918 and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ18579793.

The Council also authorized the City Attorney to settle the Claim of Paul Wescott for total amount of \$24,930.82.

## City Manager Comments:

1. Movies in the Park, Friday July 26 – How to Train Your Dragon
2. Tuolumne Family Camp Comedy Weekend
3. Olympic Day in San Pablo Park

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 14 speakers.

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

**Vote:** All Ayes.

- 1. FY 2025 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,927-N.S. to recommend that the Berkeley City Council set the FY 2025 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2800 (28.00 cents) per square foot for dwelling units and \$0.4233 (42.33 cents) per square foot for industrial, commercial, and institutional buildings.  
**First Reading Vote: All Ayes**  
**Financial Implications:** See report  
Contact: Tess Mayer, Library, (510) 981-6100, Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,927–N.S.
- 2. Youth Voting in Berkeley School Board Elections; Ordinance providing for voting by persons aged 16 and 17 years old for office of School Director**  
**From: City Attorney**  
**Recommendation:** Adopt second reading of Ordinance No. 7,928-N.S. providing for youth voting by persons aged 16 and 17 years old for office of School Director pursuant to Article III, Section 5(3) of the City Charter.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,928–N.S.
- 3. Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority**  
**From: City Attorney**  
**Recommendation:** Adopt first reading of an Ordinance amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney’s authority to settle claims up to \$50,000.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted first reading of Ordinance No. 7,929–N.S. with an amendment in Section 2.56.040. Second reading scheduled for July 30, 2024.

## Consent Calendar

- 4. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$161,280 for fitness center memberships for City employees for the period July 1, 2024 through June 30, 2025.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 71,449–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 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:** Various Funds - \$4,525,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 6. Public Facility Improvement Program Funds for Insight Housing’s (formerly Berkeley Food and Housing Project) Dwight Way Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Reallocate \$549,785 of FY24 Measure P funds from Insight Housing’s (IH) Russel Street Residence rehabilitation project to their Dwight Way Center (DWC) rehabilitation project; and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,450–N.S.
- 7. Appointment of Priscilla Villanueva to the Board of Library Trustees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing Priscilla Villanueva to the Board of Library Trustees (“BOLT”) for a term of four years beginning September 4, 2024.  
**Financial Implications:** None  
Contact: Tess Mayer, Library, (510) 981-6100  
**Action:** Adopted Resolution No. 71,451–N.S.

## Consent Calendar

- 8. License Agreement: Masaba LLC., DBA Roaming Bean Coffee Vendor at the Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement with Roaming Bean Coffee to operate at the Berkeley Waterfront for a three-year term, ending July 31, 2027.  
**Financial Implications:** \$11,498 - Revenue  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,452–N.S.
- 9. Lease Agreement: Youth Musical Theater Company for the properties at 2925 and 2945 Bolivar Drive, Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City’s properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of ten years, anticipated to begin September 1, 2024 and ending August 31, 2034, with one five-year option.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted first reading of Ordinance No. 7,930–N.S. Second reading scheduled for July 30, 2024.
- 10. Assembly Bill 481, 2023 Annual Military Equipment Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the 2023 Annual Military Equipment Report.  
**Financial Implications:** Staff time  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,453–N.S.
- 11. Contract: Alta Planning & Design for Adeline Street Transportation Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alta Planning & Design for Preliminary Engineering and Environmental Studies for the Adeline Street Transportation Improvements Project for an amount not-to-exceed \$1,256,120.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,454–N.S.

## Consent Calendar

**12. Contract: Buhler Commercial for FY 2023 Retaining Wall and Storm Drain Improvement Project (Specification No. 23-11616-C & 23-11614-C)**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the FY 2023 Retaining Wall and Storm Drain Improvement Project; 2. Accepting the bid of Buhler Commercial as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed \$1,973,708.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 71,455–N.S.

**13. Contract No. 31900102 Amendment: Nute Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900102 with Nute Engineering (Nute) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$900,000, and extending the term of the contract from June 30, 2024 to June 30, 2025.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 71,456–N.S.

**14. Amending the 1956 Maintenance Agreement with Caltrans to include new I-80 Gilman Interchange**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between the City and Caltrans to include new I- 80/Gilman Interchange facilities.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 71,457–N.S.

## Consent Calendar

### 15. **Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones**

**From: City Manager**

**Recommendation:** Adopt a Resolution modifying parking restrictions in specified Residential Preferential Parking (RPP) zones on University of California, Berkeley (UC Berkeley) home football game days as follows:

1. Remove game day parking restrictions and enforcement in RPP zones G and F north of UC Berkeley campus;
2. Allow visitor parking on game days in RPP zones B and D for up to two-hours with enhanced fines (per Resolution No. 69,089-N.S., adopted September 10, 2019, enhanced fines on football game days are \$225);
3. Allow parking on game days on a one-block stretch of Bancroft Way between College Avenue and Bowditch Street for up to two-hours;
4. Allow parking on game days on College Avenue between Dwight Way and Parker Street for up to two-hours with enhanced fines;
5. Allow parking on game days on Oxford Street between Hearst Avenue and Center Street.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300, Eleanor Hollander, Economic Development, (510) 981-7530

**Action:** Adopted Resolution No. 71,458–N.S.

### 16. **Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street**

**From: Director of Police Accountability**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.

**Financial Implications:** See report

Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950

**Action:** Adopted first reading of Ordinance No. 7,931–N.S. Second reading scheduled for July 30, 2024.

## Action Calendar – Public Hearings

### 17. Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program

**From: City Manager**

**Recommendation:** Conduct a public hearing on:

1. Substantial amendments to the federal Program Years (PY) 2018, 2019, 2020, and 2021 Annual Action Plans (AAP), which propose a total reallocation of \$478,500 of Community Development Block Grant (CDBG) funds from the Senior Disabled (Home) Loan Rehabilitation Program (SDLRP) to the Public Facility Improvement Program;
2. Allocating \$450,000 of the reallocated funds to Insight Housing's (IH) existing public facility rehabilitation project at 2140 Dwight Way, and
3. Allocating \$52,775 to Larkin Street Youth Services' (LSYS) existing public facility rehabilitation project at 3404 King St (\$28,500 from above reallocated funds and \$24,275 from available PY 2024 funds).

Upon conclusion of the hearing, adopt a Resolution authorizing the City Manager or her designee to:

- a. Approve the CDBG public facility funding allocations for two public facility improvement projects, \$450,000 for IH and \$52,775 for LSYS;
- b. Submit the Substantial Amendments to the PY 2018, 2019, 2020, and 2021 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD); and
- c. Execute all resultant agreements and amendments with IH and LSYS and for the above-mentioned funds.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Tregub/Arreguin) to adopt Resolution No. 71,459–N.S.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Bartlett) to suspend the rules and extend the meeting to 11:25 p.m.

**Vote:** Ayes – Kesarwani, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – Taplin; Abstain – Wengraf.

## Council Action Items

**18. Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

**From: Councilmember Lunaparra (Author)**

**Recommendation:** Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle at the intersection of Dwight Way and Telegraph Avenue as Public Open Space Pursuant to BMC chapter 6.42.

**Financial Implications:** None

Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

**Action:** 15 speakers. M/S/Failed (Lunaparra/Tregub) to adopt the resolution amended to include additional stakeholder engagement.

**Vote:** Ayes – Bartlett, Tregub, Lunaparra; Noes – Kesarwani, Taplin, Wengraf; Abstain – Hahn, Humbert, Arreguin.

## Information Reports

**19. LPO NOD: 8 Greenwood Common, #LMSAP2024-0001**

**From: City Manager**

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

**Action:** Removed from the agenda by the City Manager.

**20. Alameda County Transportation Commission Rail Safety Enhancement Program – Phase A**

**From: City Manager**

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

**Action:** Removed from the agenda by the City Manager.

**21. Annual Report on Landmarks Preservation Commission (LPC) Actions**

**From: Landmarks Preservation Commission**

Contact: Fatema Crane, Commission Secretary, (510) 981-7400

**Action:** Received and filed.

## Adjournment

Adjourned at 11:25 p.m.

## Communications

### Bike Lane Construction

1. D.A. (2)
2. Tom
3. Julia (2)
4. Voters

**Traffic Control Signage**

5. David Lerman

**Longfellow Middle School Relocation**

6. Liz Lutzker

**Berkeley Federation of Teachers**

7. Matt Meyer

**Ohlone Dog Park**

8. Ohlone Dog Park Neighbors

**Fair and Open Bargaining**

9. Jamie Cooney

10. Moni Law

**UC Master Leasing**

11. Barbara Gilbert

**Aurora Theater**

12. Josh

**Civic Center Park**

13. Anna Weinstein

**Restaurant Inspection Results**

14. David Lerman

**Panoramic Way**

15. Lisa and Ilana Handwerker (2)

16. Nick Thurlow

**Café**

17. Barbara Gilbert

18. Isabelle Gaston

**Diversity and Inclusion**

19. Moni Law

**Sidewalk Safety Concern**

20. Max

**Lime Scooters**

21. Laarni Mathias (2)

22. Summer Brenner

**Water Drainage**

23. Maha Parameswaran

**Tesla, Harrison St.**

24. John Craner, CEO, Downtown Berkeley Association

**Grizzly Peak Blvd.**

25. Bruce Brody

**Shipping Containers at 2556 Haste St.**

26. Tobias Damm-Luhr

**World Skate**

27. Jerry Bekkers, World Skate Facility Department Director

**North Berkeley Affordable Housing**

28. Kim Klein

29. Dorothea Dorenz

**Crime in Berkeley**

30. Nina Lyons

**Arson Fires**

31. Barbara Gilbert

**CROP Invitations**

32. Eugene Dey (6)

**Middle East Conflict**

33. Aaron

34. Shanna Bowie

35. Jessica Kim

36. Erwan Illian (3)

37. Russbumper (2)

**Towing Concern**

38. William Race

**Rental Board**

39. Scott

**Flag Hanging from Civic Building**

40. Jessica Pearlman

41. Dorothea Dorenz

**URLs Only**

- 42. Russbumper (6)
- 43. Erwan Illian

**Newsletter**

- 44. Berkeley Art Center
- 45. Russbumper (2)
- 46. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City’s Public Facility Improvement Program**

- 47. Supplemental material submitted by Health, Housing, and Community Services

**Supplemental Communications and Reports 2**

**Item #15: Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones**

- 48. Alex Knox

**Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

- 49. Revised agenda material submitted by Councilmember Lunaparra
- 50. Alex Knox

**Supplemental Communications and Reports 3**

**Item #10: Assembly Bill 481, 2023 Annual Military Equipment Report**

- 51. Jose D. Murrillo on behalf of the Police Accountability Board

**Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City’s Public Facility Improvement Program**

- 52. Helen Walsh (3)

**Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

- 53. Terri Compost
- 54. Sylvia
- 55. Laura Smiley (2)
- 56. Stephanie Thomas

**Miscellaneous Communication**

- 57. Eid