

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 1, 2024
6:00 PM

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – 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. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1611781735>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 178 1735**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. 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.

Government Code Section 84308 (Levine Act) - *Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call: 6:09 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:13 p.m.

Report from Closed Session

City Council met in closed session on September 30, 2024, pursuant to Government Code Section 54956.9(d)(2) to:

- 1) Provide direction to outside counsel and approve 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 Numbers: ADJ19391581 and ADJ15774154.
- 2) Provide direction to outside counsel and approve a stipulated settlement of permanent disability with an Award of lifetime future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ11251943, ADJ14359848 and ADJ19087904.
- 3) Provide direction to outside counsel and approve 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 Numbers: ADJ15258918 and ADJ15259424.

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 the Indigenous People's Day Pow-Wow and Indian Market, October 12, 2024

City Manager Comments: None

Public Comment by Employee Unions: 1 speaker.

Public Comment on Non-Agenda Matters: 11 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 16 speakers.

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

Vote: All Ayes.

- 1. Unrepresented Employee Manual Amendments for Measure KK Compliance**
From: City Attorney
Recommendation: Adopt a Resolution authorizing the amendment of the Unrepresented Employee Manual to conform to Section 113 of the City Charter (Measure KK).
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 71,519–N.S.
- 2. Grant Application: Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program for the Bay Trail Extension**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Metropolitan Transportation Commission (MTC) Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (SR2TBT) for the fourth phase of the Berkeley Bay Trail Extension Project for up to \$4 Million; accept the grants if awarded, and execute any resulting agreements and amendments.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,520–N.S.
- 3. Grant Contract: Housing and Urban Development (HUD) for the African American Holistic Resources Center Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to accept the U.S. Department of Housing and Urban Development (HUD) grant for the African American Holistic Resources Center Project in the amount of \$1,000,000, execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the pre-construction work and appropriation of funding for related expenses, subject to securing the grants.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,521–N.S.

Consent Calendar

- 4. Amending the Berkeley Hazardous Materials and Waste Management Code**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 15.12, Berkeley Hazardous Materials and Waste Management.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopt first reading of Ordinance No. 7,936–N.S. Second reading scheduled for October 15, 2024
- 5. Grant Applications: Regional Measure 3: Safe Routes to Transit and Bay Trail Program**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to submit grant applications to the Metropolitan Transportation Commission (MTC) Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (SR2TBT) 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.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,522–N.S. (Bike Boulevards) and Resolution No. 71,523–N.S. (Quick-Build).

Council Consent Items

- 6. Budget Referral and Technical Support for La Peña Cultural Center**
From: Councilmember Hahn (Author), Councilmember Humbert (Author), Councilmember Bartlett (Author)
Recommendation:
1. Direct the City Manager to work with La Peña Cultural Center to offer support during a post-pandemic time of temporary financial crisis, with all technical and financial assistance and any and all other resources at the City's disposal. Further request the City Manager connect La Peña Cultural Center with any potential outside resources and funding.
2. Refer to the November Budget Process a one-time emergency grant of \$150,000 to La Peña Cultural Center, pending an evaluation of the organization's current financial situation and plans for long term recovery by the City's Economic Development and Civic Arts team.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation as revised in Supplemental Communications Packet #1 to add Councilmember Lunaparra as a co-sponsor.

Action Calendar – New Business

7. **Resolution Name a City of Berkeley Major Street in Honor of Daniel Ellsberg**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution that the City of Berkeley Council name a Berkeley major street in honor Daniel Ellsberg to serve as an ongoing reminder of Berkeley’s commitment to peace.
Financial Implications: None
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
Action: Moved to the Consent Calendar to refer the item to the Transportation and Infrastructure Commission for evaluation under the City’s naming policy for public facilities.

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

Adjournment

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

Adjourned at 7:31 p.m.

Communications

Item #6: Budget Referral and Technical Support for La Peña Cultural Center

1. Six similarly-worded form letters

URL’s

2. Russbumper (2)

UA Theater

3. 29 Similarly-worded form letters

Burrowing Owls

4. Mary Price
5. Crystal Brunzell
6. Basho
7. Anita Pereira
8. Martin Nicolaus
9. Pamela Michaud
10. Mari Metcalf

Encampment Policy Concerns

11. Pacia Sallomi
12. Suzanne P. McKee

13. Susan Kaplan
14. Julia Frantz
15. Heather Mulhall
16. William
17. Becca Freed
18. Peter Ross
19. Meryl & Aimee
20. Fran Haselsteiner
21. Eric Friedman

Courtesy Notice

22. Ilan Wurman

Cal-Sailing & J-Dock

23. Gordon Stout
24. Ben Lee
25. Camille Antinori
26. Edward Schlesinger
27. Ernest Galvan
28. Kevin Williams
29. 27 Similarly-worded form letters

Rehabilitative Services

30. Lucia Hammond

Check Cashing

31. Alexander Merenkov

Chess Club Construction Concern

32. Jesse Sheehan

Middle Housing

33. Jim McGrath

Council Meeting Concerns

34. 16 Similarly worded-form letters

Keepers of the Creek

35. Mark Merritt

Public Comment Concern

36. Russbumper

Panoramic Hill

37. Janice Thomas

Zoning Concerns

38. John J. Parman

TOPA

39. Julie Holland

Police Accountability Board Texting Item

40. Kandeia Mosley Gandhi on behalf of the League of Women Voters of Berkeley, Albany, Emeryville

Ashby Park

41. Carol Nyhoff

Towing Concern

42. Andrea Henson

Ballot Measure Ratings

43. Mike Henn

Political Climate

44. Mercedes Deboir

Disposition of PRA Complaint

45. Stephen A. Hylas, Acting Secretary, on behalf of the Open Government Commission

Graffiti

46. Dahlia Frydman

47. Dorothea Dorenz

Loud Honking

48. Elsa Tranter

Apartment Review Concern

49. Ann Marie Davis

New Store Inquiry

50. Josh Atwood

Newsletter

51. Russbumper

Supplemental Communications and Reports 1**Item # 6: Budget Referral and Technical Support for La Peña Cultural Center**

52. Supplemental agenda material submitted by Councilmember Sophie Hahn

53. Krishen Laetsch

- 54. Lorraine Lerman
- 55. Paloma Salazar
- 56. Daisy Muralles
- 57. Maura McDonagh
- 58. Leslie Correll
- 59. Julie Twichell
- 60. Judy Helfand
- 61. Nine similarly-worded form letters

Supplemental Communications and Reports 2

Item #6: Budget Referral and Technical Support for La Peña Cultural Center

- 62. Terry McClain
- 63. Lezak Shallat
- 64. Angelica Casas Murillo
- 65. Ben White
- 66. Eric Leeson
- 67. Natalie Miramontes
- 68. Andrea Valverde
- 69. Jenny Miner

Supplemental Communications and Reports 3

Item #6: Budget Referral and Technical Support for La Peña Cultural Center

- 52. Stephanie Hooper

Miscellaneous Communications

- 53. Eid (3)
- 54. Unknown