

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 11, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

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

DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
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/1618982548>. 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: 161 898 2548**. 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 \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 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: 6:50 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

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

Ceremonial Matters:

1. Adjourn in Memory of the Stabbing Victim at San Pablo Park
2. Adjourn in Memory of Elise Lusk, Traffic Violence Victim at Ada Street and California Street
3. Adjourn in Memory of Gwen McNeal, Berkeley Community Member
4. Adjourn in Memory of Michael Burawoy, Retired UC Berkeley Professor

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 1 speaker.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 30 speakers.

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

Vote: All Ayes.

Consent Calendar

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of December 3, 2024 (closed, special, and regular), December 10, 2024 (special and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 11, 2025

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 - \$848,000

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

Action: Approved recommendation.

3. Contract No. 32300108 Third Amendment: Street Level Advisors, LLC for Housing Consulting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a third amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$180,000 for consulting services in a total amount not to exceed \$379,500, with a contract end date of June 30, 2026.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,659–N.S.

4. Program Manager II Classification: 5% Differential for Assignment in City Manager's Office

From: City Manager

Recommendation: Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager II positions assigned to the City Manager's Office.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,660–N.S.

Consent Calendar

5. **Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000223 with Gray Quarter, Inc. (Gray Quarter) for professional services, increasing the amount by \$120,000, for a total not-to-exceed amount of \$419,500 through January 31, 2026
Financial Implications: U1 Admin Fund - \$120,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,661–N.S.

Council Consent Items

6. **Resolution in Support of the Commissioning of a California Feasibility Study to Implement “Golden State Energy,” a Not-for-Profit Public Utility Model**
From: Councilmember Tregub (Author), Councilmember Lunaparra (Author)
Recommendation: Adopt a resolution in support of the allocation of state fiscal and staff resources to commission a feasibility study that compares various not-for-profit utility models prioritizing public benefits in energy generation, distribution, and transmission; the development an equitable implementation plan that establishes a statewide successor entity known as “Golden State Energy” as a successor to investor-owned utilities such as Pacific Gas and Electric; and transmittal of the Council’s support of such a resolution to Governor Gavin Newsom, Senator Jesse Arreguín (SD7) and Assemblymember Buffy Wicks (AD14).
Financial Implications: See report.
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 71,662–N.S. as revised in Supplemental Communications Packet #2 from Councilmember Tregub.

Action Calendar – New Business

7. **Refer to City Manager study of intersections with traffic diverters**
From: Councilmember Humbert (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Refer to the City Manager a request to have staff prioritize study of intersections that include traffic diverters but do not feature stop signs; additionally, staff are requested to review past Council referrals for adoption of National Association of City Transportation Officials (NACTO) street design standards and provide an update on the status and timeline for meeting past policy directives. Examples of intersections to be studied include but are not limited to: - Ada and California Street; - Grant Street and Berkeley Way; - Yolo and Milvia Street; - McGee and Virginia Street; - Derby and Mabel Streets; - Piedmont and Russell Street; - Hillegass and Woolsey Street; - Park and Russell Street; - Mabel and Russell Street.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Councilmember Tregub added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Humbert.

Recess 8:06 p.m. – 8:18 p.m.

Action Calendar – New Business

8. **2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later**
From: Auditor
Recommendation: Our recommendations include clarifying roles and responsibilities for lease oversight, updating the lease policy, and developing a complete central list of leases and licenses. We recommend City Council request that the City Manager report back during the next follow-up period in fall 2025, and every year thereafter, regarding the status of the 8 re-opened recommendations until reported fully implemented by the Public Works Department and City Manager's Office. They have agreed to our findings, re-opened recommendations, and guidance for implementing the recommendations. Please see our report for their complete response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: 2 speakers. Presentation made and discussion held. M/S/C (Taplin/Blackaby) to approve the recommendation from the City Auditor.
Vote: All Ayes.

Action Calendar – New Business

9. Proposed Amendments to the Building Emissions Saving Ordinance (BESO)

From: City Manager

Recommendation: Adopt the first reading of amendments to the Building Emissions Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to establish a flexible resilience standard for small residential buildings containing up to four units.

Financial Implications: See report

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

Action: 17 speakers. M/S/C (Kesarwani/Blackaby) to: 1) adopt first reading of Ordinance No. 7,953-N.S. amended to establish the escrow deposit amount at \$5,000; 2) refer the 50/50 buyer/seller split to the City Attorney for analysis; 3) refer to the City Manager to award six points for panel upgrades; and 4) request an evaluation report three years after implementation. Second reading scheduled for March 25, 2025.

Vote: All Ayes.

Report from Closed Session

The City Council met in closed session on February 3, 2025, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release without a release of future medical care, as to a workers' compensation matter #BER2200103 and a WCAB Case Number ADJ16295740.

The City Council met in closed session on February 3, 2025, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, as to a workers' compensation matter #BER0100193 and a WCAB Case Number ADJ3710721.

Information Reports

10. FY 2024 Fourth Quarter Investment Report: Ended June 30, 2024

From: City Manager

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

Action: Received and filed.

11. LPO NOD: 1310 University Avenue/#LMSA2024-0001

From: City Manager

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

Action: Received and filed.

12. LPO NOD: 2500-12 San Pablo Avenue/#LMIN2024-0004

From: City Manager

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

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 10 speakers.

Adjournment

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

Vote: Ayes – Kesarwani, Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii;
Noes – None; Absent – Taplin.

Adjourned at 10:46 p.m.

Communications

Item #7: Refer to City Manager study of intersections with traffic diverters

From: Councilmember Humbert (Author), Councilmember O’Keefe (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)

1. David Lerman (2)
2. Shirley Kirsten
3. Sandra Sanchez
4. Mike Dunham
5. Aviv Nitsan
6. Charles Siegel
7. Helga Recke

Missing Middle

8. Caephran McKenna (2)

Civic Center

9. Leah Amzel
10. Nicole Herron
11. Kathi Pugh and Josh Maddox
12. Marnie Ganotis

UA Theater

13. Carol Denney
14. Melanie Lawrence and family
15. Laura Linden
16. Arlene Oweichik

Public Restroom Plans

17. Dr. Nicola Spence and Hans Reinhardt on behalf of Alpha Design Custom Furniture
18. Aimee Baldwin and Meryl Siegal
19. Carol Denney
20. Carol Crooks
21. Dirk

Planning Commission Meetings

- 22. Bernard Marszalek
- 23. Carol Denney

Protecting Berkeley

- 24. Elliot Peters

Fire Concerns

- 25. Jeffrey Heller
- 26. Leah and Rosenthal, Ellen Feingenbaum and Peter Schwab (2)
- 27. Yen Trac (2)
- 28. Anna Rabkin
- 29. Yelda Bartlett (2)
- 30. Jennifer Lombardi (2)
- 31. Samantha Johnston
- 32. Isabelle Gaston
- 33. Kris Hill

UC Berkeley Class

- 34. Igal Fridman
- 35. Mark Eckstein

Safety Concerns

- 36. David Lerman
- 37. Gina Rieger

Emergency Calls

- 38. Ory Sandel

Tedx Berkeley

- 39. Shreeya Julakanti

Community Conversations

- 40. Nigel

Chess Club

- 41. Jesse Sheehan (2)

Traffic Data

- 42. Margot Smith

Liability for Falling Trees

- 43. Jim Haydel

OLA at Berkeley Marina

- 44. Barbara Shayesteh

Speed Tables Treatments

45. Sandra Sanchez

46. Naveen Gattu

Strawberry Creek Park – Bike Parking

47. Mariah Lauritzen

Shattuck Ave Repairs

48. Liz Horowitz

Amtrak Parking

49. Kevin Mei (2)

2nd Street Encampment

50. Yesica Prado and Gordon Gilmore

7th Annual Galo Day Festival

51. Nes Marco Morales

Fireworks

52. Anne Herrick

Letter

53. Eid

Puppies on Center Street

54. Cash Levi Caris

Restaurant Park-lets

55. Martha Stackawicz

BACs STAIRS

56. Ann Marie Davis

Sidewalk Repair

57. Emerald Canary

Encampment Sweeps

58. Russell Bates

59. Nancy Halloran

60. Ellie Matejka

61. Rebecca Salsburg-Frank

Encampment Concern

62. Manasi Panditrao

Housing Choice Voucher

63. Hector91 Phuentes

Response to Request

64. Jack Kurzweil

65. Cindy Shamban

Fund Request

66. Henry DeNero

URL's

67. Russbumper (10)

68. Josh Atwood

Forwards

69. Russbumper

Supplemental Communications and Reports 1

Item #7: Refer to City Manager study of intersections with traffic diverters

From: Councilmember Humbert (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)

70. Arvil

71. Shirley Kirsten (4)

72. Riti Dhesi

73. Sandra Sanchez

74. David Lerman

75. Sperberstein

76. David Fielder

77. Becca Freed

78. Erik Fowle

79. Charles Siegel on behalf of Walk Bike Berkeley

Item #8: 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later

80. Supplemental agenda material submitted by Jenny Wong, City Auditor

Item #9: Proposed Amendments to the Building Emissions Saving Ordinance (BESO)

81. Kiran Shenoy on behalf of the Bridge Association of Realtors

82. Ted Obbard

83. Tom Graly

84. Sam Fishman

85. Michael Roberts

86. John F. Arens

Supplemental Communications and Reports 2

Item #6: Resolution in Support of the Commissioning of a California Feasibility Study to Implement “Golden State Energy,” a Not-for-Profit Public Utility Model

- 87. Revised agenda material submitted by Councilmember Tregub and Councilmember Lunaparra
- 88. Chris Hamilton
- 89. MaryAnn Furda
- 90. Margo Schueler
- 91. Emily Ross

Item #7: Refer to City Manager study of intersections with traffic diverters

- 92. Supplemental agenda material submitted by Councilmember Humbert, Councilmember O’Keefe, Councilmember Blackaby, and Councilmember Tregub
- 93. Samantha Swor
- 94. Holly Scheider
- 95. Marjorie Alvord
- 96. Charles Siegel

Item #9: Proposed Amendments to the Building Emissions Saving Ordinance (BESO)

- 97. Revised agenda material submitted by Councilmember Kesarwani
- 98. Mara Plotkin
- 99. Simon Black
- 100. Csilla Kenny
- 101. Albert Nahman
- 102. Josh Gutwill
- 103. Candace Hyde-Wang on behalf of the LWVBAE
- 104. Tom Lent
- 105. Ariella Granett
- 106. Bhima Sheridan
- 107. Christopher Polk
- 108. Taree Klausner
- 109. Veronica Tamsitt
- 110. Jeannette MacMillan
- 111. Frances C. Moore
- 112. Jane Scantlebury

Supplemental Communications and Reports 3

Item #6: Resolution in Support of the Commissioning of a California Feasibility Study to Implement “Golden State Energy,” a Not-for-Profit Public Utility Model

- 113. Ashley McClure
- 114. Noel Forest

Item #9: Proposed Amendments to the Building Emissions Saving Ordinance (BESO)

- 115. Presentation submitted by the Office of Energy & Sustainable Development
- 116. Avi Shapiro
- 117. Bret Andrews

118. Alden Mudge
119. Alison LaBonte
120. Helena K. Liber
121. Julie Obbard
122. Erin Sherman
123. Barry Fike
124. Sandra Wolfe
125. Ben Gould

Miscellaneous

126. Rincon Consultants, Inc.