ANNOTATED AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, February 25, 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/1608430091. 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: 160 843 0091**. 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: 6:02 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 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: None.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Tregub/Humbert) to accept an urgency item from Mayor Ishii pursuant to Government Code Section 54954.2(b)(2) entitled Additional 2025 Council Appointments.
Vote: All Ayes

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

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

Consent Calendar

Urgent Item: Additional 2025 Council Appointments
From: Mayor Ishii (Author)
Recommendation: Adopt a Resolution approving a change in appointment to the 2x2 Partnership Committee, one change in appointment to the JPA Lead Abatement body, and on additional appointment to the AC Transit/Berkeley Interagency Liaison Committee, for a term ending on January 31, 2026 or until new appointments are made.
Financial Implications: None
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,663–N.S.

1. **Minutes for Approval**
   From: City Manager
   Recommendation: Approve the minutes for the Council meeting of January 21, 2025 (regular).
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, (510) 981-6900
   Action: Approved the minutes as submitted.

2. **Grant Application: National Endowment for the Arts Grant ($150,000)**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit a grant application to the National Endowment for the Arts (NEA) to receive up to $150,000 for a Civic Arts grant program, to accept the grant if awarded; and to execute any resulting grant agreements and any amendments. If received, the funds would support the Arts Programs Grant category and would be regranted to nonprofit organizations for arts and cultural programming within the City of Berkeley in Fiscal Year 2027.
   Financial Implications: See report
   Contact: Eleanor Hollander, Economic Development, (510) 981-7530
   Action: Adopted Resolution No. 71,664–N.S.

3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 25, 2025**
   From: City Manager
   Recommendation: Approve the request for proposals or invitation for bids 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: See report
   Contact: Henry Oyekanmi, Finance, (510) 981-7300
   Action: Approved recommendation.

Consent Calendar

4. Contract: Forster & Kroeger Landscape Maintenance for Chipping Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments, with Forster & Kroeger Landscape Maintenance to provide Chipping Services for three years from March 1, 2025 until February 29, 2028 with the option to extend for two additional one-year terms in the amount not to exceed $1,400,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,665–N.S.

5. Contract No. 32300185 Amendment: JSI Research & Training Institute, Inc. for Community Health Assessment, Innovation, and Improvement Plan Consultant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute an amendment to Contract No. 32300185 with JSI Research & Training Institute, Inc increasing the contract by $25,000 to serve as a Community Health Assessment, Innovation, and Improvement Plan consultant for the City of Berkeley's Health, Housing, and Community Services Department (HHCS) in a total amount not to exceed $274,413 with a contract end date of November 1, 2025.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,666–N.S.

6. Berkeley Police Association – Amendments to Retiree Medical Benefits
From: City Manager
Recommendation: Adopt a Resolution approving a side letter between the City of Berkeley and the Berkeley Police Association amending Sections 32.3, 32.5, and 32.6 of the City's Memorandum of Understanding (MOU) with the union to expand and clarify existing provisions that pertain to retiree health benefits.
Financial Implications: None
Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,667–N.S.

7. ***Item Removed by the City Manager* Contract No. 32000118 Amendment: Nexgen Asset and Work Order Management Software Maintenance**
From: City Manager
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

8. Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by $180,000, for a total not-to-exceed amount of $1,477,200 and extending the term by two years for the term beginning June 1, 2015 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,668–N.S.

9. Contract: Ashlar Structural LLC for Strawberry Creek Culvert Maintenance Project – Phase 1 (Specification No. 25-11689-C)
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Strawberry Creek Culvert Maintenance Project – Phase 1; and 2. Accepting the bid of Ashlar Structural LLC (Ashlar Structural) as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager or his designee to execute a contract and any amendments, extensions, or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed $4,544,232.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,669–N.S.

10. Contract: Mark Lee and Yong Kay, Inc., DBA Bay Construction Co. for Fire Station #2 Improvements Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Fire Station #2 Improvements (Project), Specification No. 23-11575-C; and 2. Accepting the bid of Mark Lee and Yong Kay, Inc., DBA Bay Construction Co. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $1,104,000, which includes a contingency of $184,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,670–N.S.

Consent Calendar

11. Contract No. 32500082 Amendment: Telegraph Property and Business Management Corporation
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 32500082 with the Telegraph Property and Business Management Corporation, commonly known as the Telegraph Business Improvement District, for the janitorial maintenance of the new 24 hour, 7 days a week (24/7), public restroom with a new not to exceed amount of $150,000 and extend the contract through June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,671–N.S.

12. Contract No. 32500098 Amendment: Pacific Site Management: Landscaping Services for Public Works Department
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32500098 with Pacific Site Management to increase the spending authority by $150,000 for a new total not to exceed of $300,000 and extend the contract through June 30, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,672–N.S.

Council Consent Items

13. Supporting the Free and Safe Passage of Whales, Sea Turtles, and other Marine Animals in the San Francisco Bay Area's Coastal Waters and the State Of California's Vision Zero Target of Zero Mortality for Whales and Sea Turtles
From: Councilmember Lunaparra (Author), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a resolution Supporting the Free and Safe Passage of Whales, Sea Turtles, and other Marine Animals in the San Francisco Bay Area's Coastal Waters and the State Of California's Vision Zero Target of Zero Mortality for Whales and Sea Turtles.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 71,673–N.S.

Action Calendar – Public Hearings

14. Inclusionary Housing Ordinance In-Lieu Fee; Amending Berkeley Municipal Code Chapter 23.328
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution setting the Inclusionary Housing in-lieu fee at $56.25 per square foot of the Residential Unit Floor Area (RUFA) of a Housing Development Project; and
-Include a provision in the resolution to allow a project paying the full in-lieu fee instead of providing Affordable Units to deduct 5,000 square feet from the RUFA calculation in order to continue to exempt projects under 5,000 square feet in full and proportionally reduce the fee for projects above 5,000 square feet; and
-Include a provision in the resolution dedicating 80% of very low-income Units for Section 8 and Shelter Plus Care voucher holders; and
-Include a provision in the resolution to adjust the fee biennially by the Construction Cost Index (CCI) starting on July 1, 2025; and
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 23.328 (F) to remove the exemption for projects with 5,000 square feet or less of RUFA.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

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

Action: M/S/C (Lunaparra/Kesarwani) to:
1. Adopt Resolution No. 71,674–N.S.
2. Adopt first reading of Ordinance No. 7,954–N.S. Second reading scheduled for March 11, 2025.
3. Refer to staff and the City Attorney's Office an economic and legal analysis of extending the in-lieu fee to 2,500 - 5,000 square foot detached single-unit dwellings per one parcel and return with a recommendation to Council as part of the biennial adjustments report.
4. Conduct an economic feasibility study within three years of Middle Housing zoning amendments and in lieu fees.
Vote: All Ayes.

Recess 8:20 p.m. – 8:35 p.m.

Action Calendar – Public Hearings

15. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections:
-23.106.020 Lot Coverage
-23.106.080 Building Separation
-23.202.020 Allowed Land Uses (Residential Districts)
-23.204.020 Allowed Land Uses (Commercial Districts)
-23.204.090 C-NS North Shattuck Commercial District
-23.204.100 C-SA South Area Commercial District
-23.204.130 C-DMU Downtown Mixed-Use District
-23.204.140 C-W West Berkeley Commercial District
-23.204.150 C-AC Adeline Corridor Commercial District
-23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
-23.206.040 Use-Specific Regulations (Manufacturing Districts)
-23.206.050 Protected Uses (Manufacturing)
-23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
-23.306.010 Purpose (Accessory Dwelling Units)
-23.306.030 Development Standards (Accessory Dwelling Units)
-23.306.040 Permit Procedures (Accessory Dwelling Units)
-23.310.020 General Requirements Excluding Incidental Beer and Wine
-23.310.030 Alcohol Beverage Standards When Incidental to Food Service
-23.322.030 Required Parking Spaces
-23.322.080 Parking Layout and Design
-23.334.030 Transportation Demand Management Program Requirements
-23.502.020 Defined Terms (Glossary)
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Tregub/Humbert) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Tregub/Humbert) to adopt first reading of Ordinance No. 7,955–N.S. Second reading scheduled for March 11, 2025.
Vote: All Ayes.

Information Reports

16. Community Health Assessment Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 5 speakers.

Adjournment

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

Adjourned at 8:52 p.m.

Communications

Civic Center
1. Bhima Sheridan
2. Rebecca Levenson
3. John Craner, Albert Chan, Martin Bourque, Ann Harlow, David Flores, and J.K. Fowler
4. Samantha Johnston (2)
5. Rosemary Hardy
6. Megan Bates
7. Stacey Zolt Hara
8. Julie Elis (3)
9. Nicole Herron
10. Daniel Korson
11. Jeff Vincent
12. Michelle Mascarenhas
13. Jennifer Ito
14. Ken Lim
15. Nirav Bisarya
16. Abby Cook
17. Elise Proulx

Cesar Chavez Park
18. Jennifer Chinlund
19. Alexis
20. Sherry Shannon
21. Catherine Mattison
22. Alexis Frasz
23. Camille Watts-Zagha
24. David Rice
25. Joyce Freedman
26. Lynda Vigil

27. Noah Guyunn
28. Molly Van Der Molen
29. Isabel Choi and Igor Ranitovic
30. Lesley Fernow
31. Whitney K. Taylor
32. Michael Ciarleglio
33. Micky Duxbury
34. Andrea Fernandes
35. Mason Scharf
36. Gillian Scharff
37. Kellie Gan
38. Lauren Kaneko-Jones
39. Steve Kemnitz
40. David Tepper
41. Hannah Meara
42. Maureen Fitzgerald
43. Jennifer Chou
44. Scott Willson
45. Tanya Johnson
46. Kathy Gee

Fire Concerns
47. Brent Blackaby
48. Rachel Bradley
49. George Tharisayi
50. Jacques Watteyne and Ellen Archilla
51. Ruth Langridge

8th and Harrison Encampment
52. Moni T. Law
53. Summer Brenner
54. Elana Auerbach
55. Yesica Prado on behalf of the Berkeley Homeless Union

Treasury Department
56. Kellie Stoddart (2)

Draft Bicycle Plan
57. Jim McGrath (2)
58. Charles Siegel
59. Wahid Amiri

Safety Concern
60. Carl Martineau

Berkeley Restaurant Week
61. Jeffrey Church

Flood Zone
62. Inetjalopy

Berkeley Properties
63. Eids TV

Community Mural
64. Angelina Record

Auditor Report
65. Steve Lipson

Middle Class
66. Tillymaui

Request for Targeted Strategic Action
67. Henry DeNero

MLK Safety Concern
68. Matthew Lewis

Chess Club
69. Jesse Sheehan

Round Park Letter
70. Andy Robson and the residents of Parkside Drive (2)

Planning Commission Meetings
71. Carol Denney

California Civilians
72. Director of Security

Letter
73. Eids TV

Cannabis Policies
74. Alisa A. Padon, Aurush J. Soroosh, Lynn Silver, Kiara Gonzalez Garcia, and Ryan Whitacre on behalf of the Getting it Right from the Start

Pedestrian Safety
75. Nadine Simons

Measure FF
76. Lisa Chow on behalf of Berkeleyans for Accessible Rights-of-Way

Zone Zero Fines
77. Isabelle Gaston (2)

UC Berkeley Class
78. Eli and Nava Marmur

Middle East Conflict
79. Nanette Lashuay
80. Suzanna Loper

Escrow Deposit
81. Oren (2)

Council Meeting Concern
82. Ben Buettner

SSBPPE Commission
83. Roberto Terrones on behalf of the Sugar-Sweetened Beverage Product Panel of Experts Commission

Electric Scooters
84. Robert Byler
85. Steven Schuyler
86. Gregory Kalkanis

City Tree Planting
87. Stephen Rosenbaum

Golden Gate Fields Inquiry
88. Roger Hooks

Private Citizen
89. Jeff W. (2)

Ohlone Greenway
90. Clifford Fred

Housing Concern
91. Bingo Fantasy Football (8)

Legal Education
92. Fatima Martos

Survey
93. John Craner

High Fire Area Workshops
94. Molly Brown

Forwards
95. Barbara Gilbert (2)
96. Russbumper (2)

Screenshots
97. Josh Atwood (2)

URL's
98. Russbumper (3)

Public Toilets
99. Heike Helmer

2138 Kittredge St.
100. Fatema Crane
101. Carol A. Bagshawe

Supplemental Communications and Reports 1

Item #15: Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits
102. James M. Lloyd on behalf of the California Housing Defense Fund ("CalHDF")

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3