ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 27, 2026
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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 636 2224**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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: 6:01 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 6:04 p.m.

Councilmember Kesarwani present at 6:04 p.m.

Councilmember Kesarwani participated in the meeting remotely under the just cause exception in the Brown Act due to contagious illness.

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. Presentation by AVA Community Energy
2. Adjourned in Memory of Nikki Williams, Executive Director Emeritus of Berkeley Youth Alternatives

City Manager Comments:

The City Manager noted that Item 22b regarding special events needs to be removed from the agenda for additional work with stakeholders.

City Auditor Comments:

The Auditor noted support for Item 25 regarding procurement processes and noted the status of the Leases Audit in Item 31.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Lunaparra/Tregub) to add an urgent item to the agenda titled *Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"* pursuant to Government Code Section 54954(b)(2).
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

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

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-sponsor), Councilmember Brent Blackaby (Co-Sponsor)
Recommendation: Pass resolution opposing the proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," and send a letter summarizing the City's position to the United States Department of Commerce and Census Bureau.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Councilmember Tregub added as a co-sponsor. Adopted Resolution No. 72,480-N.S.

1. **Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 8,035-N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
   First Reading Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.
   Financial Implications: See report
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 8,035–N.S.

Consent Calendar

2. Waiver of Sanctuary City Ordinance for Westlaw Contract
From: City Attorney
Recommendation: Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.
Financial Implications: None.
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 72,481–N.S.

3. 2026 Annual Commission Attendance and Meeting Frequency Report
From: City Manager
Recommendation: In accordance with Resolution No. 72,097-N.S., review and accept the 2026 Annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation.

4. Contract: Adrien Segal Public Artwork Commission for Santa Fe Trackbed to Park Conversion
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Adrien Segal for an amount not to exceed $150,000 for a public art commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).
Financial Implications: $150,000 - Cultural Trust Fund
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,482–N.S.

5. Contract No. 32500002 Amendment: Community Initiatives | Live Free USA for Gun Violence Intervention and Prevention Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500002 with Community Initiatives | Live Free USA for gun violence intervention and prevention services to add $257,548 in Byrne State Crisis Intervention Program (SCIP) grant funding pursuant to a budget modification approved by the California Board of State and Community Corrections (BSCC), bringing the total contract not-to-exceed amount to $2,874,768; extend the contract term through December 31, 2027; and update the scope of services and budget accordingly.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,483–N.S.

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2026
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: $750,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Contract: Insight Public Sector, Inc. dba Aurelian for Non-Emergency Call-Taking Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a "piggyback" contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,484–N.S.

8. Contract No. 104289-1 Amendment: Jackson & Coker for Locum Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 to add $400,000 and for a not to exceed amount of $1,814,480. The term of the contract remains the same ending on June 30, 2027.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,485–N.S.

9. Contracts for Recruitment Services ***Item Removed by City Manager***
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

10. Donation: Memorial Bench at Berkeley Marina in Memory of Clarence and Loreina Fuller
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,486–N.S.

11. Donation: Memorial Bench at Berkeley Waterfront Park at the Berkeley Marina in Memory of Mary & Bob Rubenstein
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,487–N.S.

12. Grant Application: The 2026 Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $5,000.
Financial Implications: $95,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,488–N.S.

13. Revenue Grant: California Office of Traffic Safety (OTS) for the 2026-2027 "Selective Traffic Enforcement Program (STEP)" Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept the "Selective Traffic Enforcement Program (STEP)" grant and execute any resultant revenue agreements and amendments with the California Office of Traffic Safety. This OTS grant is $200,000 for the period of October 1, 2026, through September 30, 2027, which corresponds to Federal Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,489–N.S.

Consent Calendar

14. Authorizing the City Manager to Submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application and to Execute Any Resultant Grant Agreement and Amendments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application by November 2, 2026 to the California Department of Transportation (Caltrans) for a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant for safety improvements to thirty (30) signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,490–N.S.

15. Authorize the City Manager to Negotiate and Execute a Project Specific Maintenance Agreement Between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of City improvements installed in the state highway during Alameda County Transportation Commission's (ACTC) San Pablo Avenue Safety Enhancements Project.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,491–N.S.

16. Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by $1,600,000 for a total not to exceed amount of $5,678,022.
Financial Implications: Zero Waste Fund - $1,600,000
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,492–N.S.

Consent Calendar

17. Contract No. 32300167 Amendment: POSM Software LLC for Pipeline Observation System Management Software Maintenance and Technical Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support, extend the contract through October 31, 2028, increase the contract amount by $40,000 for a total not to exceed $88,650, and waiving competitive solicitation requirements on a sole-source basis.

Financial Implications: See report

Contact: Jamie Parks, Public Works, (510) 981-6300

Action: Adopted Resolution No. 72,493–N.S.

18. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);
2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B to the report.

Financial Implications: See report

Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400

Action: 1. Adopted first reading of Ordinance No. 8,036–N.S. Second reading scheduled for November 17, 2026. 2. Approved recommendation.

19. Purchase Order: Municipal Maintenance Equipment, Inc. for the Purchase and Installation of a CCTV Sewer Inspection System in One City-Owned Electric Van

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a closed-circuit television (CCTV) sewer inspection system in one City-owned electric van in an amount not to exceed $515,636.69.

Financial Implications: See report

Contact: Jamie Parks, Public Works, (510) 981-6300

Action: Adopted Resolution No. 72,494–N.S.

Consent Calendar

20a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)
From: Commission on Disability
Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300
Action: See action for Item 20b.

20b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG) *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material.)*
From: City Manager
Recommendation: Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 20b as revised and submitted by the City Manager in the October 27 agenda packet.

21. Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution re-naming the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 72,495–N.S.

Consent Calendar

22a. Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: Zero Waste Commission
Recommendation: Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: Referred to the Agenda & Rules Committee for scheduling.

22b. Companion Report: Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: City Manager
Recommendation: Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending: Berkeley Municipal Code (BMC) Chapter 6.46 (Park Events) and Chapter 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

23a. Enforceable Mechanism for Berkeley Green Code Compliance
From: Zero Waste Commission
Recommendation: Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 23b.

23b. Companion Report: Enforceable Mechanism for Berkeley Green Code Compliance
From: City Manager
Recommendation: Direct the City Manager to assign the Public Works Department, in conjunction with the Planning and Development Department, to: 1. Review and consider research conducted by the Zero Waste Commission and UC Berkeley student researchers on enforcement mechanisms in other jurisdictions; and, 2. Develop a recommendation for City Council to adopt an appropriate enforcement mechanism(s) to strengthen compliance with California Green Building Standards Code by adding to Berkeley Green Code (BMC 19.37).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 23b.

Consent Calendar

24a. Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: Zero Waste Commission
Recommendation: Recommend that Council refer the matter to the City Manager with direction to: 1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for: a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting; b. Central collection rooms or enclosures; c. Curbside collection staging areas for all new construction. 2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 24b.

24b. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 8,037–N.S. Second reading scheduled for November 17, 2026.

25. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
(Reviewed by the Budget & Finance Committee)
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
Further, for the City Attorney's Office (CAO), require development of an Outside Council Selection Protocol whereby the CAO develops an annual report to Council for its pre-qualified list of outside attorneys and law firms based on respondents to the office's ongoing Request for Qualifications process. When outside counsel is required, senior staff in the CAO would choose from pre-qualified attorneys/firms and identify the best candidate based on expertise, quality of work, and cost. This recommendation would allow for a competitive process using the pre-qualified list, thus accommodating the CAO's need to quickly engage outside counsel while preserving best procurement practices. Additionally, request the CAO report to Council on legal services contracts and amendments to City Council quarterly to increase transparency of spending on legal services contracts.
Refer to the City Manager to promulgate any further regulations that may be needed related to the requirement for competitive solicitation except for emergencies and when market research justifies the business case for a sole-source procurement, in alignment with the existing purchasing manual. Further, refer to the CAO to develop legal services regulations to implement the competitive solicitation process for outside counsel contracts and define circumstances where a sole-source procurement is justified by emergencies, market research, conflicts of interest, or other considerations.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation as written and amended during discussion, with additional direction to further consider:
-Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual
-Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines
-Establishing annual reporting to Council on legal services contracts and amendments
-B.M.C. Section 7.18.010(A) Expenditures pursuant to Charter Article XI, Sections 67 and 67.5 is amended to read as follows:
Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $10~~5~~0,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI,

Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

Financial Implications: Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: 1) Adopted first reading of Ordinance No. 8,038–N.S. as recommended by the Budget & Finance Committee. Second reading scheduled for November 17, 2026.

2) Approved recommendation including amendments from the policy committee regarding a) Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual; b) Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines; and c) Establishing annual reporting to Council on legal services contracts and amendments.

26. Berkeley Flea Market End-of-the-Season Fall Festival/Halloween Celebration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including $600 from Councilmember Ben Bartlett, for the End-of-the-Season Fall Festival / Halloween Celebration of the South Berkeley Flea Market at Ashby BART, organized by Community Services United, a 501(c)3, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Adopted Resolution No. 72,496–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

Council Consent Items

27. Harriet Tubman Terrace Residents' Low-Income Housing Bay Cruise Lunch Event on Thursday, November, 5, 2026 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett for the Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026, to Nonprofit and 501(c)3: Lifesteps, to fund operational resources. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 72,497–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

28. Appointment of Charles "Court" Jackson to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,498–N.S. appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

29. Appointment of Hong-Sze Yu to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,499–N.S. appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

Action Calendar – New Business

30. Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
From: City Manager
Recommendation: Adopt two Resolutions that enable the City to move forward into negotiation and predevelopment with a selected development team for the Ashby East Lot Transit Oriented Development (TOD) project, located at the intersection of Woolsey St. and Tremont St., directly east of the Ed Roberts Campus, by:
1. Authorizing the City Manager or designee to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) and any required amendments with Satellite Affordable Housing Associates (SAHA), Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting (collectively, "the SAHA Team").
2. Authorizing the City Manager or designee to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey (collectively, "the Related Team"), in the event that the ENRA with the SAHA Team is terminated or if the City does not enter into a ENRA with the SAHA Team. 3. Approving the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 4. Affirming that the City's Housing Trust Fund Guidelines will apply to the use of funds to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 5. Authorizing the City Manager or designee to execute all original or amended documents or agreements in accordance with the intent of this Resolution.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: 3 speakers. M/S/C (Bartlett/Blackaby) to adopt Resolution No. 72,500–N.S. (Approving Development Team) and Resolution No. 72,501–N.S. (Reserving Affordable Housing Mitigation Fees).
Vote: All Ayes.

Information Reports

31. Audit Status Report: 2009 Leases Audit Follow-Up
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

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

Adjourned at 8:30 p.m.

Communications

Item #21: Re-Name the Park at the North Waterfront as Si Se Puede Park

1. Pear Michaels
2. David Tepper
3. 7 Similarly worded form letters

Parking Meter Changes

4. Eric Hyman

Berkeley Marina Visit

5. Gregory Kalkanis

Flock/Mass Surveillance Concern

6. Summer Brenner
7. Sam Holtzman
8. Dan Hibbing
9. Elizabeth Harrell
10. Judith Katz
11. Kelly Yan
12. Marcy Groot
13. Leona Benten
14. Craig Knudsen
15. 28 Similarly worded form letters

8th and Harrison

16. Elan Loeb

Upzoning/Zoning

17. Matthew Wadlund (2)
18. Beth Roessner
19. Michael Bauce

9th/10th and Camelia

20. Stephanie Chang (2)
21. Dana Hymel
22. Lisa Brown (2)
23. CC Miksza (2)
24. Chia Zau
25. Anne Aronov
26. Tatiana Davis

Musical Tent

27. Lauren Parsons

Marin Ave Concern

28. Kenny Yu

Grayson Encampments
29. Claudia Kawczynska
30. Cameron Woo
31. Karima Cammell
32. Sean Kenmore

Trash Pick Up Concerns
33. Amir Hay
34. Stephen Vonder Haar

600 Bancroft Way
35. Biolab Watch

College and Hopkins
36. Todd Jersey

Bay Trail Clean-Up
37. Chris Orr

Does Design Matter
38. Yolanda Huang

900 Grayson
39. Hillary Calvin Justice

Pedestrian Safety Concerns
40. Alex Merenkov

Hopkins
41. Stephen Alpert (2)

Golden Gate Fields Planning
42. Diane Quimby

Home Match Info
43. Rachel Matthews

Encampments
44. Ben Moreno
45. Jeff Cooksey

Vandalism Concern
46. Oscar Fernandez

Week Without Driving
47. Casey Passmore

Alameda County ECE Campaign Letter of Support
48. Christa Edwards

E-Scooters
49. Robert Borghese

Forwards/URLs
50. Eid Abdallah (8)
51. Russbumper (2)
52. Nodextrose Org

Supplemental Communications and Reports 1

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
53. Jeff Malmuth
54. Wini Williams
55. Sherry Shannon
56. Jennifer Chou
57. Veronica Wang
58. John N. Roberts

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
59. Namita Gupta
60. Marian Macindoe
61. Andrew Pomerantz

Supplemental Communications and Reports 2

Item #2: Waiver of Sanctuary City Ordinance for Westlaw Contract
62. Gregory Kalkanis

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
63. Sherry Smith
64. Ninel Morales
65. JWoo
66. Martin Nicolaus

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
67. Martin Bourques on behalf of the Ecology Center

Item #30: Ashby BART East Lot Developer Selection
68. Deborah Matthews on behalf of the SAHA/Kushona Team

Supplemental Communications and Reports 3

Ceremonial Matters: 1. Presentation by AVA Community Energy
69. AVA Community Energy

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
70. Submitted by Councilmember Cecilia Lunaparra

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
71. Virgina Browning
72. Lupe Gallegos-Diaz and Gladys Stout on behalf of Latinos Unidos de Berkeley
73. Carol Hirth
74. Rosemary Hardy
75. Jesse Arreguin

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
76. Pamela Belchamber (2)

Action Calendar

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
77. Presentation submitted by the Health, Housing, and Community Services Department