



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 12, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1610996492>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 099 6492**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

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: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Amendments to the Berkeley Election Reform Act to ensure consistency within the Act for cost of living adjustments and committee reporting requirement thresholds

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,889-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) amend provisions related to filing requirement thresholds to be consistent with recent amendment to qualification threshold for committees ; and (2) add two dollar amount thresholds to the list of amounts subject to cost of living adjustments in order to maintain consistency with other associated amounts.

First Reading Vote: Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Financial Implications: See report

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

2. Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,890-N.S. amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update.

First Reading Vote: Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Financial Implications: See report

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

Consent Calendar

- 3. Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,891-N.S. authorizing the City Manager to enter into a lease for 830 University with Berkeley Free Clinic.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 23 (special closed), November 6 (special closed), November 7 (regular), November 13 (special closed), November 14 (special and regular), November 21 (special) and November 28 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 12, 2023**
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: Public Art Fund - \$150,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

6. **Extending the Duration of Funding Reservations for Housing Trust Fund Projects**

From: City Manager

Recommendation: Extend the duration of the previously approved funding reservations for Housing Trust Fund (HTF) projects by adopting a Resolution to: 1. Reserve Housing Trust Funds and other currently available affordable housing funds, including Measure O Bond and Permanent Local Housing Allocation funds, for the following projects: -Ashby Lofts (2909-2919 Ninth / Satellite Affordable Housing Associates) at \$850,000; -Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / Satellite Affordable Housing Associates / Abode Communities) at \$24,500,000; -Supportive Housing in People's Park (2556 Haste) at \$14,359,593. 2. Authorize the City Manager to refinance the existing Housing Trust Fund development loan for Ashby Lofts and into a new loan with terms consistent with the Housing Trust Fund Guidelines. 3. Waive Section III.A.1 of the Housing Trust Fund Guidelines for the BUSD Workforce Housing project to allow affordability levels of up to 120% of area median income in order to reflect the income and needs of BUSD educators. 4. Condition disbursement of funding for the BUSD Workforce Housing and Supportive Housing in People's Park projects on site control. 5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

7. **Revise Classifications and Salary Ranges – (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor**

From: City Manager

Recommendation: Adopt a Resolution revising the represented job class specifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor to align pay with that of Public Works Supervisor classification in order to promote internal equity.

Financial Implications: See report

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

8. **Contract: Superior, LLC for AS400 Software Maintenance and Support**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a new contract with Superior, LLC for software maintenance and support of the City's FUND\$ system on the AS400 platform for a total \$283,500 from July 1, 2023 through June 30, 2025.

Financial Implications: IT Cost Allocation Fund - \$283,500

Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

9. Grant Application – State Parks Outdoor Equity Grants Program (OEP)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the State Parks and Recreation Outdoor Equity Grants Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: Up to \$700,000 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

10. Grant Application – California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots Program for New Electric Boat and Charging Station

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots (ATDP) Grant Program to procure a new electric boat and charging station; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: \$218,451 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

11. Contract: Buhler Commercial for Willard Park Clubhouse and Restroom Replacement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Willard Park Clubhouse and Restroom Replacement Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Buhler Commercial; and 3. Authorizing the City Manager 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, with Buhler Commercial, for the Willard Park Clubhouse and Restroom Replacement Project at 2720 Hillegass Avenue, in an amount not to exceed \$6,831,067 which includes a contract amount of \$6,210,061 and a 10% contingency in the amount of \$621,006.

Financial Implications: Various Funds - \$6,831,067

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

12. **Donation: Memorial Bench at Cesar Chavez Park in memory of Ronald Henry Klein**
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 Cesar Chavez Park in memory of Ronald Henry Klein.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
13. **Donation: Memorial Bench at Cesar Chavez Park in memory of Ramakant Tulsian**
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 Cesar Chavez Park in memory of Ramakant Tulsian.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
14. **Contract (Specification No. 24-11619-C: Koios Engineering, Inc. for The Alameda, et al. Sanitary Sewer Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on The Alameda, Keeler Avenue, Euclid Avenue Et Al., and: Accept the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc., and Authorize the City Manager 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 \$3,456,596, which includes a 10% contingency of \$314,236.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
15. **Purchase Orders: Pinnacle Petroleum, Inc. and Western States, Inc. for Bulk Renewable Diesel and Gasoline**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute multi-year purchase orders as outlined below through June 30, 2029:
1. Purchase Order with Pinnacle Petroleum to provide fuel for City vehicles and equipment in an amount not to exceed \$8,500,000 for the next four fiscal years (FY 2025 through FY 2029).
2. Purchase Order with Western States, Inc. to provide fuel for City vehicles and equipment in an amount not to exceed \$2,000,000 for the next four fiscal years (FY 2025 through FY 2029).
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300

Consent Calendar

16. Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractor Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,600,000.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

17. Purchase Order: Braun Northwest, Inc. for One (1) North Star 155 Type 1 Ambulance

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 North Star 155-1 Type 1 Ambulance with Braun Northwest, Inc. in an amount not to exceed \$284,974.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

18. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$832,750, and extending the contract term through December 31, 2025.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

19. Contract No. 32300110 Amendment: SCI Consulting Group for On-Call Civil Engineering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300110 with SCI Consulting Group to increase the spending authority by \$150,000 for a total not to exceed \$300,000.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

Consent Calendar

20. **Contract No. 32400004 Amendment: Roofing Constructors, Inc. dba Western Roofing Service for on-call roofing and gutter repair services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400004 with Roofing Constructors, Inc. to increase the spending authority by \$200,000 for a total not to exceed \$250,000.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
21. **Contract No. 103266-1 Amendment - Karste Consulting, Inc. for Emergency Preparedness Services and Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$450,000 and to extend the term through June 30, 2025.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
22. **Contract: American Restore, Inc. for City of Berkeley Transfer Station Tipping Floor Repair Emergency Project at 1201 Second Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Acknowledging the necessity for immediate repairs to the Transfer Station Tipping Floor at 1201 Second Street due to hazardous conditions and authorizing an exception to the formal bidding process; 2. Accepting the proposal from American Restore, Inc. as the sole proposal received from an informal solicitation of multiple contractors for its specialized services in response to the urgent need for repair; 3. Authorizing the City Manager to execute the proposed contract with American Restore, Inc. and any amendments, extensions, or other change orders as necessary to facilitate the timely completion of the project, for an amount not to exceed \$443,207.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
23. **Council Referral – Request for City Community Survey for placing a Modest Increase in the Parks Tax on the November 2024 Ballot**
From: Parks and Waterfront Commission
Recommendation: The Parks, Recreation and Waterfront Commission recommends that the City Council include in upcoming community survey for possible 2024 ballot measures, a measure to increase the Parks Tax by four cents per square foot or approximately 20%, and appropriate funding for the survey.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Consent Calendar

- 24. Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes**
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by June 2024 and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department and Human Resources. They have agreed to our findings and recommendations. Please see our report for their complete response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 25. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2026.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 26. The Right to Reproductive Freedom**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution affirming the City of Berkeley's support to protecting the rights of those seeking reproductive care, receiving and offering reproductive care and abortion services, and deciding on their own bodily autonomy relating to their reproduction.
Refer to the City Manager to draft an ordinance that directs City agents and employees to ensure access to abortion sites and ensure access to information related to abortion access, including posting information about reproductive health on City property, as consistent with state and federal law.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 27. Adjustment to City Attorney Salary Range and Revised Salary**
From: Mayor Arreguin (Author)
Recommendation: Adopt a resolution to approve (1) increasing the top of the City Attorney salary range to \$360,000 annually and (2) revising City Attorney Farimah Brown's annual salary to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 28. Waterside Workshops Winter Festival and Kids Bike Giveaway: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the Waterside Workshops Winter Festival and Kids Bike Giveaway.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 29. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures** *(Reviewed by the Budget & Finance Committee)*
From: Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)
Recommendation: Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #1 (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.
Policy Committee Recommendation: To forward the item as revised to the City Council with a positive recommendation.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 30. Letter to AC Transit Regarding Draft Realignment Scenarios**
From: Councilmember Wengraf (Author), Councilmember Humbert (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to AC Transit with Council feedback on their Realign Draft Service Scenarios presented to Council on Nov 14, 2023.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – New Business

31. Expansion of the Elmwood Business Improvement District

From: City Manager

Recommendation: Conduct a public meeting to review and discuss the expansion of the Elmwood Business Improvement District (hereafter, “Elmwood BID”, “BID” or “the District”).

Financial Implications: See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

32. Amendment: FY 2024 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,879–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments authorized since July 1, 2023, in the amount of \$258,777,491 (gross) and \$246,555,990 (net).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

33. Consideration of Options for Berkeley High School Staff Parking

From: City Manager

Recommendation: Receive information on several options for providing additional parking for Berkeley High School staff and provide feedback to staff, which will then be shared with 2x2 Committee with the end goal of identifying a mutually agreeable solution for both the school district and the City.

Financial Implications: See report

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

Information Reports

34. Settlement of Claim of D.L. Falk Construction Inc. (North Berkeley Senior Center)

From: City Manager

Contact: Farimah Brown, City Attorney, (510) 981-6950

35. FY 2023 Fourth Quarter Investment Report: Ended June 30, 2023

From: City Manager

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

Information Reports

36. **Section 115 Trust Investment Report for: Inception to Period Ended June 30, 2023**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
37. **Climate Action Plan and Resilience Update**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
38. **Civic Arts Commission FY24 Work Plan**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
39. **Housing Advisory Commission Work Plan Fiscal Year 2024**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 30, 2023.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Martin Luther King Jr. Way**

1. David Lerman

### **Policing**

2. Gregory Kalkanis

### **Public Information**

3. Mary Behm-Steinberg

### **Housing Voucher**

4. Sameerah Karim

## **Communications**

### **URL's Only**

5. Vivian Warkentin (2)

### **Tenants Opportunity to Purchase Act**

6. Diana Bohn

### **Repaving Francisco Street**

7. David Lerman

### **Civil Rights**

8. Lavell Young

### **Winter Shelter**

9. Elana Auerbach
10. Boona cheema
11. Moni Law

### **Israel and Gaza Conflict**

12. Alejandro Garcia-Paredes
13. Angie Chang
14. Rachel Noel
15. Madeline Pignetti
16. Karen Carroll
17. Boba.bunny05@
18. Greg Garcia-Wilson
19. Steven Lipson
20. Madeline Weinstein
21. Jessica Login
22. Dianna Dar
23. Youval Dar
24. Bryan Weiss
25. Mollie Mindel
26. Deborah Fink
27. Yael Galinson
28. Doni Katz
29. Offer Grembek
30. Jaimie Baron
31. Talia Nagar
32. Elana Naftalin-Kelman
33. Howard Miller
34. Ariel Berson
35. Dan Alter
36. Ayana Davis
37. Alexia Murillo Amezcua
38. Desmid Lyon

## Communications

39. Andrew Fine
40. Clara Weinstein
41. Orli Loewenberg
42. Raphael Goldman
43. Karen Weil (2)
44. Daniel Frydman
45. Katrin Youdim
46. Emma
47. Leah Rosenthal
48. Tal Garner
49. Sophie
50. Summer Brenner
51. Liberty Schubert
52. Ilana Pearlman
53. Jessica Pearlman
54. Rita Minas
55. Wenrick Family
56. Philippa Kelly
57. Rabbi Chai Levy
58. Elana Auerbach
59. Cris Arguedas
60. Vanessa Davis
61. Meital Mashash
62. Noga Alon
63. Dahlia Frydman Tenenbaum
64. Aviva Gilbert
65. Jenna Lewis
66. Chiara Juster
67. Seth Engel
68. Jennifer Burt
69. Mollie Mindel
70. David Kilimnik
71. Miriam Schultz
72. Rachel Friedman
73. Daniel Green
74. Forouzan Khalili
75. Daniel Green
76. Shira Rome
77. Sarah Crow
78. Kasaia Luckel
79. Arielle Hassid
80. Richard Taylor
81. Vincent Casalaina
82. Rabbi Cat Zavis
83. Rena Greenfield
84. Abby Maimon

## Communications

- 85. Arbel Shemesh
- 86. Ella Lachman
- 87. Traci Moren
- 88. Nora Shourd
- 89. Debbie Tuttle
- 90. 931 similarly-worded form letters – Vote No on November 28 (Letters are on file at the City Clerk’s Office)
- 91. 302 similarly-worded form letters – Resolution for Ceasefire and Solidarity with Palestine (Letters are on file at the City Clerk’s Office)
- 92. 14 similarly-worded form letters – Ceasefire Now (Letters are on file at the City Clerk’s Office)

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

