



Office of the City Manager

CONSENT CALENDAR  
January 16, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of November 20, 2023 (special closed), December 5, 2023 (regular) and December 12 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. November 20, 2023 – Special Closed Council Meeting
2. December 5, 2023 – Regular Council Meeting
3. December 12, 2023 – Special Council Meeting
4. December 12, 2023 – Regular Council Meeting

## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, NOVEMBER 20, 2023**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

TELECONFERENCE LOCATION - 37238 HUCKABY LANE, MURRIETA, CA 92562

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.*

*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/1606038125>. 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: **160 603 8125**. 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](mailto: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:** 4:38 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

- a. Title of position to be evaluated: City Attorney

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

Adjourned at 5:07 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 20, 2023.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 5, 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

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*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

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## Preliminary Matters

**Roll Call:** 6:14 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 6:16 p.m.

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

### Ceremonial Matters:

1. Recognition of the 35<sup>th</sup> Anniversary of the Women's Daytime Drop-In Center

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 20 speakers.

**Public Comment by Employee Unions:** 2 speakers.

## Consent Calendar

The Mayor issued a warning that this is a business meeting of the City Council. While the Council accepts public comment at the appropriate time in accordance with its rules of procedure, disruption of the meeting not only violates the City Council Rules of Procedure, the Berkeley Municipal Code, and state codes, but it prevents the Council from conducting the business of this meeting. That may be the intention of those disrupting our meeting, but doing so interferes both with the rights of other residents to participate in government and with the governance of this community. The Mayor finds that chanting and yelling by persons present is disrupting and making it unfeasible for this meeting to proceed.

Accordingly, the Mayor asked attendees who engaged in this disruptive behavior to immediately cease the disruption of this meeting and leave the meeting room. The Mayor advised that if disruptions continue, Council will take action to restore order,

## Consent Calendar

which may include removal of disruptive persons or reconvening this meeting in another location.

Recess 7:09 p.m. – 7:17 p.m.

The Mayor issued a second attempt to restore order. The Mayor warned that the audience – of which roughly numbered 270 people, who are chanting, yelling, standing on tables, stealing flags from other attendees, and encroaching on the dais area are in violation of the Rules of Procedure, the Berkeley Municipal Code, and state codes. The Mayor determined that the Council was not able to conduct the business of this meeting due to these continued disruptions by members of the audience.

Accordingly, the Mayor asked that attendees who are engaged in this disruptive behavior to immediately cease the disruption of this meeting; otherwise they need to leave the meeting room. The Mayor advised that if disruptions continue, Council will take action to restore order, which may include removal of disruptive persons or reconvening this meeting in another location.

Recess 7:20 p.m. – 7:31 p.m.

**Public Comment on Consent Calendar and Information Items Only:** 34 speakers.

**Action:** M/S/C (Arreguin/Humbert) to suspend the rules and adopt temporary rules for the remainder of public comment on the Consent Calendar as follows: 1) there will be a 30-minute period allotted for all remaining comments; 2) speakers may not yield time to other speakers; 3) one-minute limit per speaker.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 5, 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:** Sewer Fund - \$600,000

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

**Action:** Approved recommendation.

## Consent Calendar

- 2. Contract No. 32000060 Amendment: Toshiba Contract for Multi-function Devices**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the City's contract with Toshiba (City Contract #32000060) through September 15, 2025, and to approve additional appropriations related for performance of this contract.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 71,121–N.S.
- 3. Contract: Intterra for Operations, Pre-Planning, Reporting, and Analytics**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Intterra by piggybacking on City of San Diego Contract Number No. 10089896-22-W. The contract will be effective December 18, 2023, through September 30, 2028, the end date of the contract with San Diego, in an amount not to exceed \$272,029. Following an extension approved by the City of San Diego, the contract may be extended for up to an additional five (5) years at a cost not to exceed an additional \$300,000.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,122–N.S.
- 4. Memorandum of Understanding: Berkeley Fire Fighters Association**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution  
1) approving a successor Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association (hereafter referred to as the "Union") for a three-year term from July 1, 2023 through June 30, 2026 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and  
2) approving a new Classification and Salary table for BFFA classifications (Representation Unit B) that implement the salary adjustments reflected in the new MOU and supersede prior salary resolutions.  
The terms of the proposed 2023-2026 MOU are within the parameters of authority approved by Council in closed session.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,123–N.S. including supplemental material contained in Supplemental Communications Packet #2 from the City Manager.

## Consent Calendar

- 5. Contract No. 32000281 Amendment: ConvergeOne for Avaya Administration, Maintenance and Support.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners) for Avaya telephone system administration, maintenance and support services increasing the amount by \$825,811 for a total not-to-exceed amount of \$1,718,633 from July 1, 2020 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 71,124–N.S.
- 6. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$115,300 for a total not-to-exceed amount of \$322,946 from July 1, 2017 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 71,125–N.S.
- 7. Grant Contract: Housing and Urban Development (HUD) for the MLK Youth Services Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the HUD grant for the MLK Youth Services Center Seismic Upgrade Project in the amount of \$750,000, execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.  
**Financial Implications:** Revenue - \$750,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,126 –N.S.
- 8. Donation from the Friends of the Berkeley Rose Garden**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the Friends of the Berkeley Rose Garden in the amount of \$5,000 to purchase roses and maintenance yard fence screening for the Berkeley Rose Garden.  
**Financial Implications:** Revenue - \$5,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,127–N.S.



## Council Consent Items

**9. Thirteenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

**From: Mayor Arreguin (Author), Councilmembers Hahn and Wengraf (Co-Sponsors)**

**Recommendation:**

1. Adopt a Resolution co-sponsoring the 13th Annual Martin Luther King Jr. Celebration on January 15, 2024.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 13th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Adopted Resolution No. 71,128–N.S. (Co-Sponsorship); and Resolution No. 71,129–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Kesarwani - \$100; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Humbert - \$250; Councilmember Taplin - \$250; Councilmember Wengraf - \$250; Mayor Arreguin - \$250.

**10. Nancy Skinner Municipal Pier Resolution**

**From: Councilmember Taplin (Author) and Kesarwani (Co-Sponsor)**

**Recommendation:** Refer to the Parks, Recreation, and Waterfront (PRW)

Commission a Resolution renaming the Berkeley Municipal Pier in honor of State Senator Nancy Skinner (D-Berkeley) upon its reopening to the public and authorizing the City Manager to update signage and electronic media accordingly; and to return Resolution to Council for final consideration.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** Approved recommendation.

**11. Budget Referral: Refer \$273,341 to the November 2023 AAO #1 to Pre-fund the Green Building Program Manager on Permanent Basis**

**From: Councilmember Harrison (Author)**

**Recommendation:** Refer \$273,341 to the November 2023 AAO #1 to pre-fund the Green Building Program Manager position before it expires and thereafter fund it on a permanent basis.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Approved recommendation.

## Action Calendar – Continued Business

- A. Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
*(Continued from November 28, 2023)*

**From: Councilmember Harrison (Author)**

**Recommendation:**

1. Refer to the City Manager to review and develop enhanced and enforceable City deconstruction and materials management regulations, including the following elements: a. Review of national and international best practices for regulating deconstruction, diversion, recycling, and reuse of construction and demolition materials; b. Integrate deconstruction and construction and enhanced demolition debris management, tracking, and regulation into the Department of Public Works’ Zero Waste Strategic Plan and Transfer Station upgrade as appropriate; c. Policy options for (1) enforcing minimum State diversion and recycling requirements, (2) new deconstruction requirements applicable to all permitted Berkeley projects including defining specific building components that are potentially reusable and requiring an enforceable salvage survey provided by the City, a reuse organization, or other third party approved by the City, (3) potentially implementing a social cost of carbon fee on construction and demolition debris, (4) possible enhancements to minimum statewide diversion goals, (5) comprehensive tracking of the disposition of construction and demolition materials, (6) enhancing diversion from un-permitted projects, and (7) integrating salvageable material into developer project planning and budgeting process and permit application plan set (as opposed to at time of final permitting). d. Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.

2. Refer to December 2023 Budget AAO #1 Process \$250,000 to conduct a nexus fee study (using the latest academic research, updated damage functions, and low discount rates) for a potential social cost of carbon fee to be applied e.g., to the impact of displacing existing embodied carbon (landfilled construction and demolition debris) and replacement with new embodied carbon. The purpose of the fee is to incentivize reuse and deconstruction, minimize demolition, maximize useful embodied carbon, and fund the City’s ongoing green building work and services.  
*Policy Committee Recommendation: To refer the revised agenda material with a positive recommendation to Council with the following revisions to the recommendation:*

*1. Section C.3 to read as follows: “potentially implementing a social cost of carbon fee on construction and demolition debris”.*

## Action Calendar – Continued Business

2. Section D to read as follows: “Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; and a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.”

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Item withdrawn from the agenda by Councilmember Harrison.

## Action Calendar

### 12. **Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

**From:** Councilmembers Harrison (Author) and Taplin (Co-Sponsor)

**Recommendation:** Designate existing \$900,000 FY 2024 Transportation Network Company (TNC) Tax allocation as follows:

1. \$100,000 in short, medium, and long-term traffic calming measures in the vicinity of 2023 Halloween Derby St. hit-and-run incident involving a minor to include speed tables, highlighting designation of crosswalks, and consideration of a stop sign on Mabel at Carleton and Derby.
2. \$25,000 to purchase five additional portable speed radar trailers bringing the City’s total to seven for targeted traffic calming; and
3. \$325,000 to increase the citywide Traffic Calming Budget on a one-time basis to \$400,000 (up from the current \$75,000); and
4. \$450,000 to citywide to fund: a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and c. priority quick-build public transit projects under the Street Repair Program; and
5. Refer to City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Moved to Consent Calendar. Approved recommendation as revised by Councilmember Harrison in Supplemental Communications Packet #1, and further amended to refer Recommendation #5 to the Budget & Finance Committee.

## Action Calendar

### 13. Reimagining Public Safety Status Report

**From: City Manager**

**Recommendation:**

1. Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.
2. Provide comments on the Gun Violence Prevention program model report for Berkeley with the goal of facilitating informed council discussion.

**Financial Implications:** See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

**Action:** Item withdrawn from the agenda by the City Manager. Item includes supplemental materials from Councilmember Taplin submitted in Supplemental Communications Packet #2.

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

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – Taplin; Abstain – Harrison.

Adjourned at 9:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on December 5, 2023.

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Mark Numainville, City Clerk

## Communications

### Safer Streets and Sidewalks

1. Jason Warriner
2. Carol Hirth
3. Barbara Gilbert
4. Shirley Kirsten
5. Virginia Browning
6. Jose Oliveira
7. Ben and Laurel Kuchinsky
8. Eliot Walker

### Ashby BART

9. Vincent Casalaina (2)

**Burned RV**

10. Chris Saulnier

**Waterfront**

11. Ginger Ogle

**Golden Gate Field Horses**

12. Nan McGuire

**Chess Club**

13. Jesse Sheehan (2)

**Press Release**

14. Office of the Director of Police Accountability

**Unhoused Crime**

15. John Caner, on behalf of the Downtown Berkeley Association

**Street Lighting**

16. Brian Barsky

**EBMUD Paving**

17. Greg Couch

18. Y'Ariad Burrell, on behalf of EBMUD

**Household Occupancy**

19. Leilah Dozier

**Full Marathon**

20. Annie Barrows

**Hard Hats Ordinance**

21. Cody Strock

**Officer Marble**

22. Diana Bohn

**Rent Board**

23. Barbara Gilbert

**Council Meeting Disruption**

24. savebtown@

**Gilman and Marin Street**

25. Steve Mellinger

### **Israel and Palestine**

26. Azam Javed
27. Almira Tanner
28. Sarah Naameh
29. Sarah Khan
30. Mona Masri
31. Sandra Nasser
32. Sophia Mottershead
33. Hamza Kundi
34. Mary-Lee Kimber Smith
35. Debbie Tuttle
36. Michael Fullerton
37. Barbara Erickson
38. Nohely Melenciano
39. Lilyana Hudson
40. Tirzah Riley
41. Laila Hamidi
42. Christina Harb
43. Noah Ahmed Surti
44. 55 similarly-worded form letters (Resolution)
45. 169 similarly-worded form letters (Ceasefire)

### **Supplemental Communications and Reports 1**

#### **Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

46. Revised material, submitted by Councilmember Harrison
47. Ben Paulos
48. Damian Park
49. David Wooley
50. Janice Murota
51. Vincent Casalaina
52. Judith Grether
53. Summer Brenner
54. 21 similarly-worded form letters

### **Supplemental Communications and Reports 2**

#### **Item #4: Memorandum of Understanding: Berkeley Fire Fighters Association**

55. Supplemental material submitted by the Human Resources Department

#### **Item #11: Budget Referral: Refer \$273,341 to the November 2023 AAO #1 to Pre-fund the Green Building Program Manager on Permanent Basis**

56. Ben Gould

#### **Item A: Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the**

**AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris**

57. 5 similarly-worded form letters

58. Sarah Bell

**Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

59. Hali Hammer

60. Simon Hochberg

61. Molly Miller

62. Lee Bishop

63. John Beaulaurier

64. Sallie

65. Christina Oatfield

66. David Mendelsohn

67. Warren Wells

**Item #13: Reimagining Public Safety Status Report**

68. Supplemental material submitted by Councilmember Taplin

**Supplemental Communications and Reports 3**

**Item #10: Nancy Skinner Municipal Pier Resolution**

69. Barbara Gilbert

**Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

70. 13 similarly-worded form letters

71. Heath Maddox

72. Norm Gold

73. Ben Finkel

74. Corey Busay

75. Naveen Gattu

76. Benjamin Fry

77. Joanna Dillon

**Miscellaneous Communications**

78. Mr. Eid

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, December 12, 2023  
3:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 3:03 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 3:38 p.m.

## Action Calendar – Public Hearing

### 1. North Berkeley BART Objective Design Standards

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution approving the North Berkeley Bay Area Rapid Transit (BART) Objective Design Standards (ODS).

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 35 speakers.

M/S/C (Arreguin/Kesarwani) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/Failed (Harrison/Hahn) to approve the standards as submitted by the City Manager in Supplemental Communications Packet #2 amended as follows: On the ornamentation, accept the amendment to require facades with ornaments on 5% of the wall shall eliminate requirements to have breaks on those facades in the affordable housing buildings.

**Vote:** Ayes – Harrison, Hahn, Wengraf; Noes – Kesarwani, Taplin, Bartlett, Robinson, Humbert, Arreguin.

**Action:** M/S/Carried (Kesarwani/Humbert) to adopt Resolution No. 71,130–N.S. approving the objective design standards as submitted by the City Manager in Supplemental Communications Packet #2.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Harrison.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 5:30 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on December 12, 2023.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

### **Item #1: North Berkeley BART Objective Design Standards**

1. Jenna Fahle
2. Chris Lee-Egan
3. Adam Rogers

## **Supplemental Communications and Reports 2**

### **Item #1: North Berkeley BART Objective Design Standards**

4. Revised material, submitted by Planning and Development
5. AJ Cho
6. Michael Katz
7. Charles Siegel, on behalf of Walk Bike Berkeley
8. Megan Nguyen, on behalf of East Bay Housing Organization
9. Alfred Twu
10. Gerry Tierney (2)
11. Clifford Fred
12. David Lerman
13. Peggy Radel

## **Supplemental Communications and Reports 3**

### **Item #1: North Berkeley BART Objective Design Standards**

14. Ann May
15. Chris Gilbert
16. Claire Kahane
17. Cheryl Brewster
18. Tamara Birdsall
19. Daniel Dong
20. Carol and Bruce Feldman
21. Carla Woodworth
22. Wei-bing Chen
23. Michael Frantz
24. Virginia Browning
25. Meryl Siegal
26. Nell Friedman
27. Virginia Browning
28. Sperberstein
29. Kevin James
30. Sam Dorman

31. Mitali Ganguly
32. Aimee Baldwin
33. David Mendelsohn
34. Katherine Eckhouse (2)
35. Toni Mester
36. Lois Frances Smith
37. Roberta Silverstien
38. T. Anne Richards
39. Victoria Eisen (2)
40. Christopher Kroll
41. S. Entsistle
42. Meilan Ho
43. Elizabeth Kowal
44. Laureen O'Brien
45. Sharon Richey
46. Joel Myerson
47. Amanda Loudin
48. Oskar
49. Jeanne Schuman
50. David Helfant and Elliott Abrams
51. 15 similarly-worded form letters

**MINUTES**  
**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

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## Preliminary Matters

**Roll Call:** 6:03 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn Wengraf, Robinson, Humbert, Arreguin

**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:

Presentation from the Auditor on the Measure FF Audit.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 20 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 36 speakers.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and adopt temporary rules for public comment on the Consent Calendar as follows: 1) there will be a 45-minute period allotted for all public comments; 2) speaking time is limited to one-minute per speaker.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## 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  
**Action:** Adopted second reading of Ordinance No. 7,889–N.S.
- 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  
**Action:** Adopted second reading of Ordinance No. 7,890–N.S.
- 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  
**Action:** Adopted second reading of Ordinance No. 7,891–N.S.

## Consent Calendar

### 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

**Action:** Approved the minutes as submitted.

### 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

**Action:** Approved recommendation.

### 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

**Action:** Adopted Resolution No. 71,131-N.S.

## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 71,132–N.S.
- 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 FUNDS\$ 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  
**Action:** Adopted Resolution No. 71,133–N.S.
- 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  
**Action:** Adopted Resolution No. 71,134–N.S.
- 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  
**Action:** Adopted Resolution No. 71,135–N.S.



## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 71,136–N.S.
- 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  
**Action:** Adopted Resolution No. 71,137–N.S.
- 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  
**Action:** Adopted Resolution No. 71,138–N.S.

## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 71,139–N.S.
- 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  
**Action:** Adopted Resolution No. 71,140–N.S. (Pinnacle); and Resolution No. 71,141–N.S. (Western).
- 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 Sourcwell (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  
**Action:** Adopted Resolution No. 71,142–N.S.

## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 71,143–N.S.
- 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  
**Action:** Adopted Resolution No. 71,144–N.S.
- 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  
**Action:** Adopted Resolution No. 71,145–N.S.
- 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  
**Action:** Adopted Resolution No. 71,146–N.S.

## Consent Calendar

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  
**Action:** Adopted Resolution No. 71,147–N.S.
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  
**Action:** Adopted Resolution No. 71,148–N.S.
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  
**Action:** Approved recommendation.

## 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  
**Action:** Approved recommendation including the supplemental material in Supplemental Communications Packet #1 from the City Auditor.

## 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  
**Action:** Adopted Resolution No. 71,149–N.S.
- 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  
**Action:** 1. Adopted Resolution No. 71,150–N.S., 2. Approved recommendation.

## Council Consent Items

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  
**Action:** Adopted Resolution No. 71,151–N.S.
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  
**Action:** Adopted Resolution No. 71,152–N.S.
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  
**Action:** Approved recommendation as recommended by the Budget & Finance Committee.

## Council Consent Items

- 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:** Approved recommendation.

## 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  
**Action:** Moved to Consent Calendar. Public meeting held.
- 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  
**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,892-N.S. as revised in the materials submitted by the Mayor and the City Manager in Supplemental Communications Packet #2. Second reading scheduled for January 16, 2024.
- 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  
**Action:** Item withdrawn from the agenda by the City Manager.

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

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

## Adjournment

Adjourned at 7:39 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on December 12, 2023.

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Mark Numainville, City Clerk



## Communications

### Communications

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

1. David Lerman

#### **Policing**

2. Gregory Kalkanis

#### **Public Information**

3. Mary Behm-Steinberg

#### **Housing Voucher**

4. Sameerah Karim

#### **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

## Communications

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
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

## Communications

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
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 1

### **Item #24: Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes**

93. Supplemental material submitted by the City Auditor

### **Item #27: Adjustment to City Attorney Salary Range and Revised Salary**

94. Michael Katz

### **Item #30: Letter to AC Transit Regarding Draft Realignment Scenarios**

95. Sowmya Swaminathan
96. Phyllis Olin
97. Jennifer Sowerwine

## Supplemental Communications and Reports 2

### **Item #30: Letter to AC Transit Regarding Draft Realignment Scenarios**

98. Phoebe Anne Thomas

### **Item #32: Amendment: FY 2024 Annual Appropriations Ordinance**

99. Revised material, submitted by Mayor Arreguin
100. Revised material, submitted by Budget/City Manager

- 101. Jennifer Lovvorn, Chief Cultural Affairs Officer/Civic Arts
- 102. Ariana Casanova

**Item #33: Consideration of Options for Berkeley High School Staff Parking**

- 103. Barry Fike
- 104. Albert Chan, on behalf of YMCA East Bay

**Supplemental Communications and Reports 3**

**Item #24: Spending Aligned with Ballot Measure FF and the City is Improving Internal Processes**

- 105. Presentation, submitted by the Auditor

**Item #26: The Right to Reproductive Freedom**

- 106. Twyla Malchow-Hay

**Item #30: Letter to AC Transit Regarding Draft Realignment Scenarios**

- 107. Elisabeth H
- 108. Rachel Tobey
- 109. Kirsten Tobey
- 110. John and Leah Rosenthal
- 111. Deborah Sommers
- 112. Frank Fletcher
- 113. Andy Gaines
- 114. Lizzie Belgum
- 115. Alan and Meridith Aki
- 116. Swapna Sundaram
- 117. Marilyn Beckerman
- 118. David Jaffe
- 119. Jane Keislar
- 120. Erin Baudo Felter
- 121. Sophie Shabel
- 122. Reka Foss
- 123. Linda Ellwood
- 124. Jessica Jennings

**Miscellaneous Communications**

- 125. Eid