



Office of the City Manager

CONSENT CALENDAR
May 7, 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 March 7, 2024 (closed), March 12, 2024 (special, special, regular and closed), March 18, 2024 (closed), March 19, 2024 (regular) and March 26, 2024 (closed and regular)

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. March 7, 2024 – Special Closed Council Meeting
2. March 12, 2024 – Special Council Meeting
3. March 12, 2024 – Special Council Meeting
4. March 12, 2024 – Regular Council Meeting
5. March 12, 2024 – Special Closed Council Meeting
6. March 18, 2024 – Special Closed Council Meeting
7. March 19, 2024 – Regular Council Meeting
8. March 26, 2024 – Special Closed Council Meeting
9. March 26, 2024 – Regular Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, MARCH 7, 2024

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 3:08 p.m.

Present: Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

Action: M/S/C (Hahn/Taplin) to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million..

Vote: Ayes - Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Absent – Kesarwani.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

Action: No reportable action taken.

OPEN SESSION:

On February 5, 2024 and March 7, 2024 the City Council met in closed session to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million. On March 8, 2024 the case settled in mediation and the City Attorney executed a Memorandum of Settlement memorializing the terms of the settlement. On March 12, 2024, the parties agreed to a further Settlement and Release that supersedes the March 8, 2024 Settlement and sets forth the agreement in greater detail.

Adjournment

Adjourned at 5:40 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 7, 2024.

Mark Numainville, City Clerk

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

**Tuesday, March 12, 2024
3:30 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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Preliminary Matters

Roll Call: 3:38 p.m.

Present: Taplin, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:39 p.m.

Councilmember Kesarwani present at 4:03 p.m.

Report from Closed Session: On February 5, 2024 and March 7, 2024 the City Council met in closed session to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million. On March 8, 2024 the case settled in mediation and the City Attorney executed a Memorandum of Settlement memorializing the terms of the settlement. On March 12, 2024, the parties agreed to a further Settlement and Release that supersedes the March 8, 2024 Settlement and sets forth the agreement in greater detail.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

1. Acquisition of Real Property Located at 1900 Fourth Street

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

Financial Implications: See report

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

Action: M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people. Second reading scheduled for March 19, 2024.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 4:24 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 12, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Acquisition of Real Property Located at 1900 Fourth Street

1. Lucy Gill, on behalf of University of California at Berkeley
2. David Kellogg
3. Lucas Woodward
4. Richard Schwartz

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

**Tuesday, March 12, 2024
4:00 PM**

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TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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Preliminary Matters

Roll Call: 4:36 p.m.

Present: Kesarwani, Hahn, Wengraf, Humbert, Arreguin

Absent: Taplin, Bartlett

Councilmember Taplin present at 4:40 p.m.

Councilmember Bartlett present at 4:43 p.m.

Worksession

1. 2023 Berkeley Police Department Annual Report

From: City Manager

Contact: Jennifer Louis, Police, (510) 981-5900

Action: 6 speakers. Presentation made and discussion held.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:26 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on March 12, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: 2023 Berkeley Police Department Annual Report

1. Charles Clarke

Supplemental Communications and Reports 3

Item #1: 2023 Berkeley Police Department Annual Report

2. Presentation, submitted by the Berkeley Police Department

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 12, 2024
6:00 PM

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

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Preliminary Matters

Roll Call: 6:27 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, 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 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 American Red Cross' 143rd Anniversary

City Manager Comments:

The City Manager provided an update on the progress of the Homeless Response Team.

City Auditor Comments:

The City Auditor provided an update on the employee retention audit.

Public Comment by Employee Unions: 1 speaker

Public Comment on Non-Agenda Matters: 17 speakers.

Action: M/S/C (Arreguin/Bartlett) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Revised Resolution for a Joint Homekey Application for University Homes.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute period for public comment with one-minute per speaker.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 13 speakers.

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

Vote: All Ayes.

Urgent Item: Revised Resolution for a Joint Homekey Application for University Homes

From: City Manager

Recommendation: Adopt a revised Resolution approving the following actions in support of the University Homes Homekey project by: 1. Authorizing the City Manager or her designee to prepare and submit a joint application together with Housing Consortium of the East Bay (HCEB) and Memar Properties, Inc. (Memar) for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Homes permanent supportive housing project. 2. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.

Financial Implications: See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 71,228–N.S.

1. Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

From: City Manager

Recommendation: Adopt a second reading of Ordinance No. 7,898–N.S. amending Title 23 of the Berkeley Municipal Code to streamline and clarifying the permitting process for small businesses in commercial districts ("C-Prefixed"), select manufacturing ("M-Prefixed") districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,898–N.S.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2024

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$3,676,000

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

Action: Approved recommendation.

Consent Calendar

- 3. Grant Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART (NBB) BRIDGE Phase 1 Project.**
From: City Manager
Recommendation: Adopt a Resolution:

 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with BRIDGE Housing Corporation and/or their affiliates relating to grant applications to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) BRIDGE Phase 1 affordable housing project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
 2. Authorizing the City Manager to accept up to \$5.8 million in state AHSC funds and complete selected transportation improvements if awarded.

Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,229–N.S.

- 4. Application for Prohousing Incentive Program Funds**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.
Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,230–N.S.

- 5. Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,231–N.S.

Consent Calendar

- 6. Contract Amendment: WBCP, Inc. Recruitment Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,232–N.S.
- 7. Salary Adjustments: Electrical Supervisor and Communications Supervisor**
From: City Manager
Recommendation: Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,233–N.S.
- 8. Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members**
From: City Manager
Recommendation: Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,234–N.S.
- 9. Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Firehouse Subgrant application in the amount up to \$50,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: Grant - \$50,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,235–N.S.

Consent Calendar

- 10. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin retroactively on May 1, 2023.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopt first reading of Ordinance No. 7,900–N.S. Second reading scheduled for March 26, 2024.
- 11. Filling Vacancies Among the Elected Representatives of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.
Financial Implications: See report
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 71,236–N.S. amended to make the appointments effective on the adoption of the HWCAC reorganization ordinance scheduled for March 26, 2024.

Council Consent Items

- 12. Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park**
From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation.

Council Consent Items

13. Vision 2050 Community Engagement Expansion

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot referenda for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028; and refer to the City Attorney for analysis of using the Community Engagement and Program Plan funds for community survey purposes.

Financial Implications: See report

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

Action: Approved the recommendation as written below and amended to include other clarifying edits in the report.

Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot measures for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028.

In the Recommendation section: changes the word "referenda" to "measures" to accurately state the type of ballot mechanism to be used.

Current Situation and its Effects, 2nd paragraph: delete the last sentence.

Rationale for Recommendation, 2nd paragraph amended as follows:

Using funds allocated for community engagement in order to gauge public opinion on this topic ~~and to~~ explore additional discrete revenue sources would be a worthwhile investment ~~in building community consensus.~~

Rationale for Recommendation, 4th paragraph amended as follows:

The Measure P Real Property Transfer Tax increase is set to expire at the end of the 2028 calendar year. As of Fiscal Year 2024, the Measure P Program Fund is facing a structural deficit as costs outpace declining revenues. ~~In order to maintain broad community consensus on this revenue source for possible renewal~~ Evaluating continued revenue sources after the ten-year period for the special tax elapses; ~~articulating a common vision for expenditures from special tax funds~~ will likely remain essential for avoiding structural conflicts between operating budgets, including personnel costs, and capital budgets for key projects.

Council Consent Items

14. **Creating SHARE BERKELEY - A Berkeley Public Library Share Hub for Access, Resilience, and Equity**

From: Councilmember Hahn (Author)

Recommendation: 1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service SHARE hub for the City of Berkeley, providing a one-stop center for community members to:

- a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
- b. Access comprehensive, up-to-date information and referrals about community-based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and
- c. Receive need-based financial assistance to support access to community-based share/rental resources.

2. Consider categories of items that might be appropriate for an expanded Berkeley Public Library (BPL) in-house Lending Library, and which categories would be best accessed through other community share/rental resources such as REI, AAA, bike and party rental services, and other organizations serving Berkeley. 3. Consider expanding BPL's in-house Lending Library beyond the current portfolio of carpentry, gardening, kitchen, and other traditional tools to potentially include categories such as toys and games; event furniture and supplies; sports and recreation-related equipment; irons, floor polishing machines, and other household tools; and other durable items typically used on a limited basis by members of the community. 4. Create a plan to establish, maintain, and administer a comprehensive, one-stop reference/resource service for all share/rental/free opportunities available to Berkeley residents, including but not limited to ensuring access to a searchable database of resources and offering assistance and advice to individuals seeking information on share/rental/free opportunities. Consider a partnership with existing platforms and applications such as the Buy Nothing Project to foster connections between neighbors and support the goals of the circular economy. 5. For items to be shared/rented through outside lending or rental services, explore possibilities for SHARE BERKELEY to offer and/or administer City-based or other vouchers/subsidies for low-income residents to access borrowed/rented items from non-Library vendors at reduced or no cost. 6. Consider and propose storage, maintenance, repair, customer service, and other operational and space needs for an expanded in-house Lending Library and to house and administer the Share Hub resource center. 7. Consider start-up and ongoing costs for the expanded in-house Lending Collection and to establish and administer the Share Hub resource center, including but not limited to costs for equipment, materials, software/technology, staffing, and facilities. 8. In the course of researching categories of items to potentially add to the Library's in-house Lending Collections and in considering other elements of the Share Hub concept, conduct robust outreach to individuals and groups of diverse backgrounds, ages, and abilities to ensure services, offerings, and facilities equitably represent and serve all members of the community.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action: Approved recommendation amended to state that all of the proposed

Council Consent Items

recommendations constitute requests for consideration and are not direction or referrals to the Library or the Library Director.

- 15. Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,237–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Wengraf to add Councilmember Humbert as a co-sponsor and amend the fourth Whereas clause in the resolution to read:

WHEREAS, If the CPUC grants AT&T relief from being the “Carrier of Last Resort” (COLR) and therefore AT&T stops providing copper-based landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable and internet is also not completely reliable, will be deprived of a dependable means of communication; and

Information Reports

- 16. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**
From: City Manager
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000
Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and adjourn the meeting.
Vote: All Ayes.

Adjourned at 8:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 12, 2024.

Mark Numainville, City Clerk

Communications

Middle Housing

1. Mike Dunham
2. Ross Bernet
3. Antoine Grondin
4. Nicolas McMullan
5. Gabe Mitnick
6. Andrew Meyer
7. Patrick Yoon
8. Michael Webster
9. Jacob Steinhardt
10. Hilary Near

Hate Incidents

11. Liberty Schubert
12. Itamar Landau
13. Councilmember Taplin

Nova Concert Survivor

14. Adam Naftalin-Kelman

Crime

15. Todd Andrew

Woolsey-Fulton Bicycle Project

16. Marc Hedlund
17. Jennifer Natali
18. David Hoffman (2)

Pedestrian and Bicycle Safety

19. Roger Hallsten
20. Riti Dhesi
21. Rachel Bradley (2)
22. Meredith Isaksen
23. Sierra Club Northern Alameda County

Hazardous Road Conditions

24. Ronald Nevels (2)
25. Jim Lutz (2)

Automated License Plate Readers

26. Diana Andreeva

Council Meeting Decorum

27. Andrea Cassidy

Aquatic Park

28. Cameron Bochman

Berkeley Unified School District (BUSD)

29. Dorothea Dorenz

30. BUSD Superintendent

Bay Wheels Bike Share

31. Alexander Merenkov

Reproductive Letter

32. Commission on the Status of Women

Homelessness

33. Jonny Ruel Holder

Home Insurance

34. Diane Wolf

SB 330

35. Virginia Warheit

Demolition Ordinance

36. Charlene Woodcock

37. Gary McDole

38. 20 similarly-worded form letters

North Berkeley BART Housing Project

39. Stefan Lasiewski

City of Berkeley Referrals

40. James McGrath

Climate and Environment Commission

41. Anna Kathawala

Climate Goals and Autos

42. Barbara Gilbert

People's Park

43. Sky Ocean

Gaza & Israel

- 44. Hillary Kilimnik (2)
- 45. Jocelyn Goldsmith-De Sena
- 46. Margaret Fouda
- 47. Michael Fullerton
- 48. 00.caveat-taxing@
- 49. Lian Mar
- 50. Karen Ung
- 51. Michelle Wong
- 52. Evelyn Zhai
- 53. Jon Jackson

URL's Only

- 54. Vivian Warkentin
- 55. Todd Jersey

Supplemental Communications and Reports 1

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 56. Ann Bedenk and Russell Babcock
- 57. Zohra Kalinkowitz
- 58. Carol Curtis

Supplemental Communications and Reports 2

Item #1: Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

- 59. Police Accountability Board

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 60. Revised material, submitted by Councilmember Wengraf

Urgency Item: Revised Resolution for a Joint Homekey Application for University Homes

- 61. Urgency item, submitted by Health, Housing and Community Services

Supplemental Communications and Reports 3

Item #4: Application for Prohousing Incentive Program Funds

- 62. David Kellogg

Item #14: Creating SHARE BERKELEY – A Berkeley Public Library Share Hub for Access, Resilience, and Equity

- 63. Gail Tennant
- 64. Martha Staskawicz
- 65. Colleen Busch
- 66. Radha Seshagiri
- 67. David Sochowitzky

- 68. Sandra Niemann
- 69. Susan Halpern
- 70. Carol Hirth
- 71. Peggy Harris
- 72. Antonia Frankhujzen
- 73. Betsy Bigelow-Teller
- 74. Brian Harris
- 75. Janis Pearson
- 76. Marilyn Sagna
- 77. Maureen Wesolowski
- 78. Patricia St. John
- 79. Steve Taylor
- 80. Steve Meyers
- 81. Esther Brass
- 82. Christina Birch
- 83. Carol Curtis
- 84. Georgia Maslowski
- 85. Nicole Laddish
- 86. Kristina Sepetys
- 87. Helga Recke
- 88. Peter Metcalf
- 89. Karen Weil

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 90. Anne and Senta Pugh
- 91. Mary Behm-Steinberg
- 92. Stephanie Thomas
- 93. Phoebe Anne Thomas Sorgren
- 94. cricketchatter@

Miscellaneous Communications

- 95. Ronald Regan & Eid and American Middle Class – Mr. Eid
- 96. Council Chambers Decorum – Susanne DeWitt

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, MARCH 12, 2024

8:00 P.M.

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – VACANT
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/1602592619>. 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: **160 259 2619**. 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: 8:25 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin

Absent: None

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

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

1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be filled:** Director of Public Works

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:39 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 12, 2024.

Mark Numainville, City Clerk

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

MONDAY, MARCH 18, 2024

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – VACANT

DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 3:06 p.m.

Present: Kesarwani, Taplin, Hahn, Wengraf, Humbert

Absent: Bartlett, Arreguin

Councilmember Bartlett present at 3:11 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

a. *Workers' Compensation Matter ADJ Number: ADJ15654682*

Action: M/S/C (Hahn/Humbert) to authorize the City Manager to settle by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

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

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. *GTE Mobilnet of California Limited Partnership v. City of Berkeley; United States District Court, Northern District of California; Case No. 4:20-cv-05460-DMR*

Action: Removed from the agenda. No discussion or action.

b. *Jay v. City of Berkeley; Alameda County Superior Court Case No. 22CV018197*

Action: (Wengraf/Hahn) to authorize a settlement in the matter of Jay v. City of Berkeley et al., Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

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

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property Address: Live Oak Theater, 1301 Shattuck Ave, Berkeley, CA 94709
Agency Negotiators: LaTanya Bellow, City Manager's Office; Scott Ferris, Director of Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and Youth Musical Theater Company (YMTC)
Property Owner: City of Berkeley
Under Negotiation: Price and Terms

Action: No reportable action taken.

4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

Action: No reportable action taken.

OPEN SESSION:

The City Council met in closed session on March 18, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

Adjournment

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

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

Adjourned at 4:24 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 18, 2024

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 19, 2024
6:00 PM

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

TELECONFERENCE LOCATION - ROSARITO BEACH HOTEL, BLVD. BENITO
 JUÁREZ 31, ZONA CENTRO, 22700 PLAYAS DE ROSARITO, B.C., MEXICO

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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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.

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Preliminary Matters

Report from Closed Session:

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

The City Council met in closed session on March 18, 2024 and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

Roll Call: 6:07 p.m.

Present: Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin

Absent: Bartlett

Councilmember Bartlett at 6:13 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: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourned in Memory of Heather Reimer, Berkeley Resident
2. Recognition of the Rematriation of the Shellmound by Corrina Gould
3. Recognition of Mt. Zion Missionary Baptist Church's 78th Anniversary
4. Recognition of Elsa Tranter, Berkeley Activist and Environmentalist
5. Presentation: AC Transit Update on the Durant Quick Build Project

City Manager Comments: None

City Auditor Comments:

The City Auditor provided updates on the Audit Status Reports in Item 10 and Item 13 under the Information Reports.

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:17 p.m. – 7:31 p.m.

Consent Calendar

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar with one-minute per speaker.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

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

Vote: All Ayes.

A. Acquisition of Real Property Located at 1900 Fourth Street (Continued from March 12, 2024)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,899–N.S.

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 19, 2024

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: General Fund - \$120,000

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

Action: Approved recommendation.

Consent Calendar

- 2. Contract No. 32200150 Amendment: Range Maintenance Services LLC for Indoor Range Cleaning**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200150 with Range Maintenance Services LLC to perform indoor range cleaning services from \$45,000 to an amount not to exceed \$150,000 extending from January 8, 2024 to December 1, 2028.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,238–N.S.
- 3. Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Management System, Parking Meter Maintenance, and Conversion to Pay-by-Plate Pay Stations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to: -Extend the contract from June 30, 2024 through June 30, 2026 for IPS Group, Inc. to continue servicing parking meters and providing replacement parts; - Provide 225 new multi-space pay-by-plate stations to replace the existing multi-space pay-and-display stations in the City; and - Increase the contract amount by \$3,865,300 for a total contract amount of \$12,790,172.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,239–N.S.
- 4. Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 115731-1 (Contract No. 10661B in FUND\$) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life in the City's three parking garages -- Center Street, Oxford and Telegraph Channing -- extending the term by two years to June 30, 2026 and increasing the contract amount by \$919,815 for a total not-to-exceed of \$2,915,355.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,240–N.S.

Consent Calendar

- 5. Grant Application: GFO-23-606 - Charging Infrastructure for Government Fleets**
From: City Manager
Recommendation: Adopt a Resolution: Authorizing the City Manager or their designee to submit a Grant application in response to the California Energy Commission's solicitation GFO 23-606 Charging Infrastructure for Government Fleets Grant Program for City electric vehicle (EV) charging infrastructure projects; Authorizing the City Manager to sign a Letter of Commitment for the local matching funds; and Referring the required local match, 30% of the total project cost, to the FY 2025-2026 Budget process for consideration of the City's General Fund (Fund 011).
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,241–N.S.
- 6. ***Item Removed by the City Manager*** Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments**
From: City Manager
Contact: Andrew Murray, Public Works, (510) 981-6300
- 7. Purchase Order: Owen Equipment Sales for One Combination Storm Sewer Cleaner**
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) Contract #101221-VTR and authorizing the City Manager to execute a purchase order for one (1) Combination Storm Sewer Cleaner with Owen Equipment Sales in an amount not to exceed \$665,000.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,242–N.S.
- 8. East Bay Hills Wildfire Prevention Coordinating Group Representative Selection**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution to appoint Vice Mayor Susan Wengraf as the City of Berkeley's Representative Member to the East Bay Hills Wildfire Prevention Coordinating Group, and Councilmember Mark Humbert as the Alternate.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,243–N.S.

Action Calendar – New Business

9. **Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: 24 speakers. M/S/C (Hahn/Humbert) to adopt Resolution No. 71,244–N.S. approving a Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities (equipment) by private telecommunication companies on City owned and maintained streetlight poles in the public right-of-way.
Vote: Ayes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Information Reports

10. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight**
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed.
11. **LPO NOD: 2144 Shattuck Avenue/#LMSAP2023-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
12. **LPO NOD: 2274 Shattuck Avenue, #LMIN2023-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
13. **Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded**
From: City Manager
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Received and filed.

Adjournment

Action: M/S/C (Wengraf/Hahn) to suspend the rules and adjourn the meeting.

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

Adjourned at 9:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 19, 2024.

Mark Numainville, City Clerk

Communications

Traffic Safety

1. Jeannette MacMillan
2. Ana Vasudeo
3. Arun Dixit
4. Cara Pine

Train Noise

5. David Lerman (2)
6. Lino Ancheta, on behalf of City of Berkeley's Environmental Health

Berkeley Landfill at Cesar Chavez Park

7. Claudia Kawczynska

Support for Adding Prohibiting Discrimination of the Basis of Family or Relationship Structure to BMC Code 13.22

8. The Woodhull Freedom Foundation

Bike Plans

9. Walk Bike Berkeley

Restoring Old City Hall and Veterans Buildings

10. Berkeley Architectural Heritage Association

Berkeley Measure H

11. Barbara Gilbert

Alta Bates Hospital

12. Dorothea Dorenz
13. Lisa Chow

Surveillance Cameras

14. Police Accountability Board

North Berkeley BART Bonds

15. David Lerman

SB 330 and Downtown Theaters

16. Virginia Warheit

People's Park

17. Moni Law (2)

Affordable and Middle Housing

18. Kaden Nguyen

19. Owen Thompson-Lastad

Hate Crimes

20. Atalea Jacob (2)

Fire Alarm Issue at 2510 Bancroft Street

21. Marlo De La Mora

URL's Only

22. Vivian Warkentin

Gaza and Israel

23. Christina Harb

24. Kaizen8forever@

25. James Mcfadden

26. Hannah Schlacter

27. Autumn Goldstein

28. Barbara Erickson

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Ceremonial Matters

29. Presentation, AC Transit Update on the Durant Quick Build Project

Item #A: Acquisition of Real Property Located at 1900 Fourth Street

30. Alex Sharenko

31. Jessica Abbe

Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way

- 32. Janice Schroeder (2)
- 33. Clifford Fred
- 34. Greenfire Law PC
- 35. Connie Anderson
- 36. Carol Hirth
- 37. Wanda Warkentin

Supplemental Communications and Reports 3

Item #A: Acquisition of Real Property Located at 1900 Fourth Street

- 38. Diana Bohn
- 39. Elana Auerbach
- 40. Lucy Gill, on behalf of the University of California at Berkeley
- 41. Rev. Niels Teunis
- 42. KGO-TV
- 43. Mayor's Office
- 44. Berkeley Community Safety Coalition, Latinxs Unidos de Berkeley, Office of the External Affairs Vice President of CAL, Indigenous People's Day and The Network of Spiritual Progressives

Item #9: Adoption of a Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way

- 45. Glen Kohler
- 46. Dawn DelMonte
- 47. Jane Stillwater
- 48. Cat Zavis
- 49. Elana Auerbach
- 50. Meaveen O'Connor
- 51. Kelly Hammargren
- 52. Sara Sunstein
- 53. Phoebe Thomas Sorgen
- 54. Jason Winnett
- 55. Jose Franklin Arau
- 56. Gar Smith
- 57. Cynthia Rahav
- 58. Wade Skeels
- 59. Sofia Pavlova
- 60. Cate Leger
- 61. Maxina Ventura
- 62. Thomas Luce
- 63. Anne Herrick

Item #12: LPO NOD: 2274 Shattuck Avenue, #LMIN2023-003

- 64. John Haracz

Miscellaneous Communications

65. Daily Planet 2010, submitted by Mr. Eid

66. Restrooms in Right-of-Way – Channing & Telegraph Avenue, submitted by Greg Dabel

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, MARCH 26, 2024

4:00 P.M.

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – VACANT
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/1613042201>. 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: **161 304 2201**. 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: 4:30 p.m.

Present: Taplin, Bartlett, Hahn, Wengraf, Arreguin

Absent: Kesarwani, Humbert

Councilmember Kesarwani present at 5:28 p.m.

Councilmember Humbert present at 5:29 p.m.

Councilmember Humbert participated in the meeting remotely pursuant to the Brown Act, as amended by AB 2449.

Public Comment - Limited to items on this agenda only – 3 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(A) AND 54956.9(D)(1):

- a. *Fisher et al. v. City of Berkeley*, United States District Court, Northern District of California; Case No. 3:23-cv-04280-TSH

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

- a. Significant exposure to litigation pursuant to Section 54956.9(d)(2) arising from paint installation at the intersection of Allston Way and Martin Luther King, Jr. Way: one potential case.

Action: No reportable action taken.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:48 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 26, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #2a: Conference with Legal Counsel – Anticipated Litigation Pursuant To Government Code Section 54956.9(d)(2)

1. Leah Amzel
2. Barbara McVeigh
3. Leah Greenblat
4. Dianna Dar
5. Shrlee Lichtman
6. Miriam Ferris
7. Dorothea Dorenz
8. Ilana Pearlman (2)
9. Udi Shamay
10. Rachel Schiff
11. Leah Greenblat
12. Hillary Kilimnik
13. Andrew Murray, Interim Public Works Director (6)
14. Terry Fletcher
15. Jon Jackson
16. Glen Hauer
17. Pathma Venasithamby
18. Beverly Crawford

19. Susan Harman
20. David Spero
21. Marge Sussman
22. Helen Finkelstein
23. Kathryn Orsini
24. Sheila Jordan
25. Mary Ann Meany
26. Cielo Rios
27. Tom Luce
28. Seth Morrison
29. Vanessa Marrero
30. Jim Haber
31. Jerome Geffner
32. Marla Kamiya
33. Daphne Muse
34. The Wellstone Democratic Renewal Club
35. Kitty Kelly Epstein
36. Jack Kurzweil
37. Laurie Earp
38. MJ Baumann
39. Carol Sanders
40. Talia Glass
41. Gen Katz
42. Nicholas Glass
43. Tobey Wiebe
44. Laurie Earp
45. Katherine Falk
46. Lea Zalinskis
47. Martha Larsen
48. Candice Schott
49. Larry Hendel

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 26, 2024
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:

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 DISTRICT 2 – TERRY TAPLIN
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Preliminary Matters

Roll Call: 7:06 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin

Absent: None

Councilmember Humbert participated in the meeting remotely pursuant to the Brown Act, as amended by AB 2449.

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

Ceremonial Matters: None

City Manager Comments: None

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:42 p.m. – 7:51 p.m.

Consent Calendar

Action: M/S/C (Arreguin/Wengraf) to accept three urgency items to the Consent Calendar pursuant to Government Code Section 54954.2(b)(2).

- 1) From Councilmember Hahn entitled Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds.
- 2) From Councilmember Wengraf entitled Support of AB 2346 (Lee).
- 3) From Mayor Arreguin entitled Berkeley City College's 50th Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

Vote: All Ayes.

The Mayor issued a warning regarding the City Council Rules of Procedure and the need for the attendees to cease disruptive actions like yelling and chanting and adhere to the adopted rules of decorum to allow for the orderly conduct of business.

Recess 8:22 p.m. – 8:36 p.m.

Consent Calendar

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute public comment period on the Consent Calendar with one-minute per speaker.

Vote: All Ayes.

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

Vote: All Ayes.

**Urgent Item: Berkeley City College's 50th Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds
From: Mayor Arreguin (Author)**

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500.00 per council member, including \$500.00 from Mayor Arreguín, to Berkeley City College with funds relinquished to the City's general fund for this purpose from the discretionary council office budget of Mayor Arreguín and any other council members who would like to contribute.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,245–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$300; Councilmember Humbert - \$100; Councilmember Taplin - \$300.

Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2024, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - \$500

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action: Adopted Resolution No. 71,246–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$100; Councilmember Humbert - \$100; Councilmember Wengraf - \$250.

Consent Calendar

Urgent Item: Support of AB 2346 (Lee)

From: Councilmember Wengraf (Author)

Recommendation: Send a letter to the California Legislature through their online portal, in support of AB 2346 (Lee), with copies to Priscilla@syaslpntrns.com and Andrew.White@asm.ca.gov.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action: Approved recommendation.

1. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,900-N.S. authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin retroactively on May 1, 2023.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

Action: Adopted second reading of Ordinance No. 7,900–N.S.

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of February 5, 2024 (closed), February 13, 2024 (regular), February 20 (closed), February 27, 2024 (special and regular) and February 29, 2024 (special).

Financial Implications: None

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

Action: Approved the minutes as submitted.

Consent Calendar

- 3. Contract No. 32200202 Amendment: Extending the Lease for the Real Property at 1461 University Avenue**
From: City Manager
Recommendation: Adopt an Urgency Ordinance authorizing the City Manager to execute an amendment to Contract No. 32200202 with Shree Jalasai Lodging, LP for the real property located at 1461 University Avenue, Berkeley, for the purposes of extending the interim noncongregate shelter program at this location to accommodate a longer-than-anticipated Homekey sales process. The proposed contract amendment will extend the term on a month-to-month basis for no longer than 6 months and increase the total cost by up to \$975,756, with actual costs pro-rated based on the length of the lease, for a new contract not-to-exceed amount of \$4,872,158.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Urgency Ordinance No. 7,901–N.S.
- 4. Contract: Housing Consortium of the East Bay (HCEB) to operate shelter at the Rodeway Inn**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Housing Consortium of the East Bay (HCEB) to operate an interim housing program at the Rodeway Inn (1461 University Ave.) through September 30, 2024.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,247–N.S.
- 5. Contract No. 31900162 Amendment: Pride Industries Contract for Janitorial Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the City's contract with Pride Industries (Contract No. 31900162) through June 30, 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. 71,248–N.S.
- 6. Contract No. 32000060 Amendment: Toshiba for Multi-function Devices**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the City's contract with Toshiba (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. 71,249–N.S.

Consent Calendar

- 7. Contract No. 32400009 Amendment: Stella Courier for Satellite Mail Services/Mail Room Coverage**
From: City Manager
Recommendation: Adopt a Resolution approving an additional \$50,000 to Contract 32400009 with Stella Courier, and authorizing the City Manager to amend the contract accordingly.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 71,250–N.S.
- 8. Contract: Marina Landscape for Wildfire Safe Model Garden Construction at Firehouse #4**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Marina Landscape in an amount not-to-exceed \$275,000 over a two-year period, to provide landscaping, irrigation installation, grading, and the removal of previous vegetation around Berkeley Firehouse #4.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,251–N.S.
- 9. Contract No. 32400033 Amendment: Strategic Economics for Affordable Housing Requirements Economic Feasibility Analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract no. 32400033 with Strategic Economics, increasing the contract amount by \$50,000 for contract services in a total amount not to exceed \$200,000, with a contract end date of January 15, 2025.
Financial Implications: See report.
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,252–N.S.
- 10. Contract No. 31900225 Amendment: LifeLong Medical Care to fund No Place Like Home (NPLH) supportive services at Maudelle Miller Shirek**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900225 with LifeLong Medical Care (LLMC) to add \$15,300 to provide No Place Like Home (NPLH) tenancy sustaining services at Maudelle Miller Shirek for a total contract amount not to exceed \$2,873,947.
Financial Implications: See report
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,253–N.S.

Consent Calendar

- 11. Contract Amendment: The Labor Compliance Managers for Labor Standards Enforcement Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to the Contract with The Labor Compliance Managers increasing the contract by \$50,000 for consulting services for a total amount not to exceed \$100,000.
Financial Implications: See report
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,254–N.S.
- 12. Contract for Health Officer Coverage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Dr. Gail Newel for Health Officer services during periods when the City Health Officer is out of the office for the period May 1, 2024 through May 1, 2025 in an amount not to exceed \$30,000.
Financial Implications: See report
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,255–N.S.
- 13. Appointment of Director of Public Works**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Terrance Davis as the Director of Public Works to be effective April 15, 2024 at an annual salary of \$260,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,256–N.S.
- 14. Memorandum of Understanding: Berkeley Chief Fire Officers Association**
From: City Manager
Recommendation: Adopt a Resolution 1) approving a successor Memorandum of Understanding (MOU) with the Berkeley Chief Fire Officers Association (BCFOA) 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 BCFOA classifications (Representation Unit A) that implements the salary adjustments reflected in the new MOU and supersedes prior salary resolutions.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,257–N.S. including supplemental material in Supplemental Communications Packet from the City Manager.

Consent Calendar

15. Contract No. 32400015 Amendment: California Consulting for on-call grant writing services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400015 with California Consulting, Inc. for on-call grant writing services to increase the contract amount by \$303,000 for a new not-to-exceed amount of \$350,000 and extend the contract term to June 30, 2026.

Financial Implications: Various Funds - \$350,000

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

Action: Adopted Resolution No. 71,258–N.S.

16. Fiscal Year 2025 Street Lighting Assessments – Initiating Proceedings

From: City Manager

Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer’s Reports.

Financial Implications: See report.

Contact: Andrew Murray, Public Works, (510) 981-6300

Action: Adopted Resolution No. 71,259–N.S. (District No. 1982-1), and Resolution No. 71,260–N.S. (District No. 2018).

17. Purchase Order Extension Authorizations for Critical Vendors of Equipment Maintenance Parts and Services for Multiple Departments

From: City Manager

Recommendation: Adopt fourteen Resolutions authorizing the City Manager to execute extensions of existing multi-year purchase orders for Equipment Maintenance Parts and Services as described below through June 30, 2025:

1. Purchase Order with Golden State Emergency Vehicle for Fire vehicle repairs increased by \$500,000 to a new total Purchase Order amount not to exceed \$800,437.50.

2. Purchase Order with Pape Machinery, Inc. for heavy equipment parts and repairs increased by \$375,000 to a new total Purchase Order amount not to exceed \$666,697.50.

3. Purchase Order with City Auto Supply for ongoing vehicle parts increased by \$250,000 to a new total Purchase Order amount not to exceed \$432,447.50.

4. Purchase Order with Fleetwash, Inc. for vehicle washing increased by \$200,000 to a total Purchase Order amount not to exceed \$372,615.

5. Purchase Order with Coast Counties Truck & Equipment Co. for heavy equipment parts increased by \$225,000 to a new total Purchase Order amount not to exceed \$351,730.

6. Purchase Order with Arata Equipment Company for Zero Waste vehicle parts and repairs increased by \$210,000 to a new total Purchase Order amount not to exceed \$320,180.

7. Purchase Order with TEC of California, Inc. for vehicle parts and accessories

Consent Calendar

increased by \$200,000 to a new total Purchase Order amount not to exceed \$305,000.

8. Purchase Order with Future Ford of Concord for auto/truck parts and service increased by \$205,000 to a new total Purchase Order amount not to exceed \$300,000.

9. Purchase Order with Acme Rigging & Supply Company, Inc. for wheel loader and heavy equipment parts increased by \$200,000 to a new total Purchase Order amount not to exceed \$285,995.

10. Purchase Order with Western Truck Center in an amount not to exceed \$260,000.

11. Purchase Order with Southern Counties Lubricants LLC for vehicle lubricants increased by \$175,000 to a new total Purchase Order amount not to exceed \$238,500.

12. Purchase Order with McNeilus Truck and Manufacturing Company for Zero Waste truck parts increased by \$150,000 to a new total Purchase Order amount not to exceed \$200,000.

13. Purchase Order with California Covers for upholstery services increased by \$60,000 to a new total Purchase Order amount not to exceed \$110,881.01.

14. Purchase Order with Berry Brothers for towing services increased by \$15,000 to a new total Purchase Order amount not to exceed \$50,000.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

Action: Adopted Resolution No. 71,261–N.S. (Golden State Emergency), Resolution No. 71,262–N.S. (Pape Machinery, Inc.), Resolution No. 71,263–N.S. (City Auto Supply), Resolution No. 71,264–N.S. (Fleetwash, Inc.), Resolution No. 71,265–N.S. (Coast Counties Truck), Resolution No. 71,266–N.S. (Arata Equipment Company), Resolution No. 71,267–N.S. (TEC of California), Resolution No. 71,268–N.S. (Future Ford of Concord), Resolution No. 71,269–N.S. (Acme Rigging & Supply), Resolution No. 71,270–N.S. (Western Truck Center), Resolution No. 71,271–N.S. (Southern Counties Lubricants), Resolution No. 71,272–N.S. (McNeilus Truck), Resolution No. 71,273–N.S. (California Covers), and Resolution No. 71,274–N.S. (Berry Brothers).

18. **Filling Vacancies Among the Elected Representatives of the Poor**

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution confirming the appointment of Cheryl Atkinson (District 1) as an elected representative of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC February 7, 2024 meeting, and that their term expires November 28, 2024.

Financial Implications: See report

Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 71,275–N.S.

Consent Calendar

19. **Response to Council Referral: Long Term Care Facility Oversight**
From: Community Health Commission
Recommendation: Refer to the City Manager and the budget process the (1) establishment of an enhanced Ombudsperson program for oversight of Skilled Nursing Facilities and Residential Care Facilities for the Elderly, and (2) early implementation of the Centers for Medicare & Medicaid Services (CMS) proposal for minimum nursing staffing levels ahead of the three-year period proposed by CMS.
Financial Implications: See report
Contact: Kellie Knox, Commission Secretary, (510) 981-5301
Action: Approved recommendation.

Council Consent Items

20. **Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer to the Budget Process up to \$200,000 for study and implementation of traffic control measures on upper Marin Avenue to address urgent safety needs for pedestrians.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation including supplemental material in Supplemental Communications Packet #2 from Councilmember Hahn.
21. **Proclamation in Honor of City of Berkeley Holocaust Remembrance Day**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the City of Berkeley's 21st Annual Holocaust Remembrance Day. The program will take place virtually on Sunday, May 5th, 2024.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted proclamation.

Council Consent Items

22. **2024 Virtual Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Vice Mayor Wengraf, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Vice Mayor Wengraf's discretionary Council Office Budget and all other Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to its 21st Annual Holocaust Remembrance Day virtual program, created by the community with City Council support. This year's program will be held virtually on May 5th, 2024. Register via Eventbrite to attend.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,276–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Humbert - \$500; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$100; Councilmember Taplin - \$500; Councilmember Hahn - \$500.

Action Calendar – Public Hearings

23. **Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: M/S/C (Arreguin/Taplin) to refer the item to the Agenda & Rules Committee for scheduling.
Vote: All Ayes.

Action Calendar – New Business

- 24a. Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Human Welfare, Peace and Justice Commission**

From: City Manager

Recommendation: Adopt first reading of an Ordinance to:

1. Repeal Chapter 3.68, Peace and Justice Commission; and,
2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and,
3. Establish the Human Welfare, Peace and Justice Commission with Chapter 3.70

Financial Implications: See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

- 24b. Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission’s composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**

From: City Manager

Recommendation: Adopt first reading of an Ordinance to reform the Human Welfare and Community Action Commission (HWCAC)

Financial Implications: See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

Action: 9 speakers. M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,902–N.S. in Item 24b and further, the Council rejects the proposed merger of the Peace and Justice Commission and the Human Welfare and Community Action Commission, and directs the City Manager to cease all work related to such a potential merger. Second reading scheduled for May 7, 2024.

Vote: Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes - Kesarwani.

Information Reports

- 25. Fiscal Year 2024 Mid-Year Budget Update**

From: City Manager

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

Action: Received and filed.

- 26. Two consecutive meetings canceled for lack of quorum**

From: Homeless Services Panel of Experts

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Hahn) to suspend the rules and adjourn the meeting.

Vote: All Ayes.

Adjourned at 10:30 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on March 26, 2024.

Mark Numainville, City Clerk

Communications

Item #20: Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue

1. Shodie Lyon

Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls

2. John Selawsky

Item #24a: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Human Welfare, Peace and Justice Commission

3. Janice Schroeder
4. Human Welfare Community Action Commission (HWCAC)

Greenhouse Gas Emissions Plan

5. Derek Young

Traffic Safety

6. Tucker Pinochi, on behalf of Ecole Bilingue de Berkeley

Berkeley Unified School District Parking Lot

7. Amy

Bike Lanes

8. Alex Merenkov
9. Nadia Rojas

Scooters Parked Illegally

10. Sean McMahon (2)
11. Monica DiLullo, on behalf of Veo

Smokefree Multiunit Housing

12. Carol Denney (2)

Restrooms at Channing Way & Telegraph Avenue

13. Greg Dabel (2)

People's Park

14. Holly Scheider

2021 Mason Tillman Report

15. Elana Auerbach

Gaza and Israel

16. Torie White

17. Karrie Keyes

18. Hannah Beth Schlacter

19. Gordon Gilmore

Supplemental Communications and Reports 1

Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls

20. Revised material, submitted by Planning and Development

21. Revised material, submitted by Councilmember Kesarwani

Supplemental Communications and Reports 2

Item #14: Memorandum of Understanding: Berkeley Chief Fire Officers Association

22. Supplemental material, submitted by Human Resources

Item #20: Budget Referral: Funding to Protect Pedestrian Safety on Upper Marin Avenue

23. Supplemental material, submitted by Councilmember Hahn

24. Walk Bike Berkeley

Action Calendar – Public Hearing

Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls

25. Revised material, submitted by Councilmembers Kesarwani, Humbert and Taplin

26. Stan Momtchev

27. Joann Sullivan

28. Kevin Casey

29. Mike Dunham

30. Andrea Gordon

31. Brenda Richardson

32. Sandra Emerson

33. Chris Lee-Egan

34. Valerie Knepper

35. Alden Mudge

36. AJ Cho

37. Christopher Batson

38. Ranjit Bharvirkar

39. Tawny Reynolds

40. Lynne Tilsen
41. Connie Clausen
42. Jonas Osmond
43. Kyung Son
44. Kellen Gauthier
45. Cece Rosaia
46. Susie Wyshak
47. April Jones
48. Bobbie Giaratana
49. Eric Johnson
50. Lee Bishop
51. Cathryn Heilig
52. Todd Andrew
53. Tess Fruge
54. David Mendelsohn
55. Pablo Diaz-Gutierrez
56. Milo Trauss
57. Bryce Nesbitt
58. Theo Gordon
59. Grayson Peters

Item #24b: Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission’s composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes

60. Supplemental material, submitted by Mayor Arreguin and Councilmember Hahn

Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

61. Urgent item, submitted by Councilmember Hahn

Urgent Item: Letter of Support for AB 2346

62. Urgent item, submitted by Councilmember Wengraf

Supplemental Communications and Reports 3

Item #21: Proclamation in Honor of City of Berkeley Holocaust Remembrance Day

63. Barbara Schick
64. Esther Brass
65. Robin Mencher
66. Melissa Chapman
67. Tucker Pinochi
68. Susanne Kalter DeWitt
69. Yael Galinson
70. Christina Harb
71. Hillary Kilimnik
72. Brett Mendel
73. Susanne DeWitt

- 74. Ilana Pearlman
- 75. Brett Mendel

Item #23: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls

- 76. beccafreed@
- 77. Jay Sondhi
- 78. Janice Schroeder
- 79. Cindy O'Neil
- 80. M.E. Lawrence
- 81. Dianne Ayres
- 82. Kim Markison
- 83. Gregory Kalkanis
- 84. Lindsey Newbold
- 85. Andrew Fox
- 86. Margaret Wellons
- 87. Janice Murota
- 88. Eugene Turitz
- 89. Anne McClintock
- 90. Judy MacLean
- 91. Sarah Bell
- 92. Gary McDole
- 93. Michael Katz
- 94. Zipporah Collins
- 95. Max Ventura
- 96. Janis Ching
- 97. Sierra Club Nothern Alameda County Group
- 98. Nico Calavita
- 99. Sandra Smith
- 100. Alicia Moore
- 101. Joel Myerson
- 102. Martha Hill
- 103. Geoff Lomax
- 104. Sarah Bell, oh behalf of East Bay YIMBY
- 105. Ednah Friedman
- 106. Susan Black
- 107. Sophia DeWitt, on behalf of East Bay Housing Organizations
- 108. Naomi Janowitz
- 109. Bryce Nesbitt
- 110. Matthew Lewis
- 111. Negeen Mosaed
- 112. Abderazak Medhkour
- 113. Vanessa Marrero
- 114. Karin Werheim
- 115. Lisa Camasi
- 116. Berkeley Tenant Union
- 117. Zoe Spiropoulou

- 118. Gregory Lemieux
- 119. 23 similarly-worded form letters

Item #24b: Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission's composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes

- 120. Presentation, submitted by Health, Housing and Community Services

Urgent Item: Kala Art Institute 2024 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

- 121. Urgent item, submitted by Councilmember Hahn and Taplin

Urgent Item: Berkeley City College's 50th Anniversary Gala: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

- 122. Urgent item, submitted by Mayor Arreguin

Miscellaneous Communications

- 123. Eid Abdallah