



**AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, June 4, 2024**  
**6:00 PM**

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

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 – CECILIA LUNAPARRA  
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.*

*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).*

*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/1607556641>. 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: 160 755 6641. 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:

**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.*

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

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

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

## Consent Calendar

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

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

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

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

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

## Consent Calendar

### 1. **Repeal of Berkeley Municipal Code Chapter 12.80**

**From: City Attorney**

**Recommendation:** Adopt second reading of Ordinance No. 7,907-N.S. repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In *California Restaurant Association v. City of Berkeley*, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

**First Reading Vote:** All Ayes.

**Financial Implications:** None

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

### 2. **Amendment: FY 2024 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,908-N.S. amending the FY 2024 Annual Appropriations Ordinance No. 7,892–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,638,405 (gross) and \$52,765,663 (net).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

### 3. **Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports; Amending Berkeley Municipal Code Section 6.24.137**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,909-N.S. amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to: -Establish a schedule of rates for electric vehicle charging stations, and -Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission's electricity rate increases.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

- 4. Amendment to Commissioner Leave of Absence Process**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,911-N.S. amending Berkeley Municipal Code (BMC) Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.  
**First Reading Vote:** Ayes – Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Wengraf, Arreguin; Absent – Taplin.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 5. Contract: Amira Jackmon Attorney at Law, for Lorin and Gilman Parking Benefit District Formation Services**  
**From: City Attorney, City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Attorney, acting on behalf of the Office of Economic Development to execute a contract and any necessary amendments with Amira Jackmon, Attorney at Law, for an amount not to exceed \$70,000 for the development of parking benefit districts in the Lorin business district of South Berkeley and the Gilman district in West Berkeley.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6950, Eleanor Hollander, Economic Development, (510) 981-7530
- 6. Assessments: Berkeley Tourism Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2025 (FY25) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 7. Assessments: North Shattuck Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2025.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Consent Calendar

- 8. Assessments: Telegraph Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the TBID for FY 2025.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 9. Assessments: Downtown Berkeley Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2025.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 10. Contracts: Fine Art Services Providers for the Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute three contracts and any associated amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for a contract period through June 30, 2026.  
-Gizmo Art Production, Inc., for an amount not to exceed \$200,000.  
-ARG Conservation Services for an amount not to exceed \$150,000.  
-Modify the existing Atthowe Fine Art Service for amount not to exceed \$400,000 (thereby increasing Contract Number 32300137 by \$200,000).  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 11. FY 2025 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0048%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 12. FY 2025 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0064%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 13. FY 2025 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0111%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 14. FY 2025 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0136%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 15. FY 2025 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 16. FY 2025 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate for Business License Tax on large non-profits at \$0.8207 (82.07 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 17. FY 2025 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2210 (22.10 cents) per square foot of improvements.  
Financial Implications: See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 18. FY 2025 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**  
**From: City Manager**  
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0468 (4.68 cents) per square foot of improvements.  
Financial Implications: See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 19. FY 2025 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**  
**From: City Manager**  
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency services for the disabled at \$0.02094 (2.094 cents) per square foot of improvements.  
Financial Implications: See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 20. FY 2025 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1220 (12.20 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 21. Temporary Appropriations FY 2025**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2024, until the effective date of the FY 2025 Annual Appropriations Ordinance.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 22. Contract No. 32300165 Amendment: KLD Associates: Evacuation and Emergency Response Analysis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend to Contract No. 32300165 with KLD Engineering, P.C. for evacuation and response time modeling to reassign to KLD Associates through June 30, 2026, and to provide an option to extend for an additional five (5) years and add \$200,000, making initial term plus extension NTE \$600,000 through June 30, 2031.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 23. Contract: Pinnacle for Pilot Fire Department Alternative Medical Response Unit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) to provide nurse practitioner services for a pilot alternative medical response unit from June 17, 2024 to January 31, 2025 in an amount not to exceed \$510,000 with an option to extend for three additional one-year terms in a total not to exceed \$2,700,000.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 24. Contract: Tablet Command for Mobile CAD and Incident Command**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Tablet Command for Mobile Computer Assisted Dispatch (Mobile CAD) and Incident Command by piggybacking on a contract with the Orange County Fire Authority (OCFA). The Berkeley contract will be effective July 1, 2024 and end on September 30, 2024 in an amount not to exceed \$77,250. Following an extension approved by the OCFA, the contract may be extended for up to four additional one-year renewal terms at a cost not to exceed an additional \$65,000 per year.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 25. Amending the Five-Year Plan and Submitting Application for Permanent Local Housing Allocation Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or the City Manager's designee to amend the five-year Permanent Local Housing Allocation plan and apply for and accept funds from the State of California's Permanent Local Housing Allocation Program, in an amount not to exceed \$3,321,617.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 26. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$500,000 of funding from the American Rescue Plan Act grant for a total not-to-exceed contract amount of \$5,345,500.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 27. Contract No. 32400236 Amendment: Creative Educational Consultants, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend existing Contract No. 32400236 with Creative Educational Consultants, Inc., for the period beginning June 1, 2024, and ending June 30, 2025, as follows: 1) expand the scope to include additional positive youth development opportunities for African American/Black and Latinx Berkeley youth; 2) increase the contract limit by \$25,300 (from \$49,700 to \$75,000); and 3) extend the contract end date to June 30, 2025.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 28. Contract No. 32300197 Amendment: Resource Development Associates for Results Based Accountability Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300197 for \$160,000 and any additional amendments or extensions, with Resource Development Associates (RDA) for Results Based Accountability consulting services. The contract amendment's not-to-exceed amount will be increased to a total of \$539,830 for the period July 1, 2023 through June 30, 2026.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

# Consent Calendar

**29. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2024 to March 30, 2025. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and the Berkeley Technology Academy Health Center (the High School Health Centers).

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**30. Shelter Plus Care Program Renewal Grants**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to receive up to the maximum grant award for the following Shelter Plus Care grants and to execute any resultant agreements and amendments. a. A Shelter Plus Care grant from U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,327,914 for COACH Project (COACH) for the period of January 1, 2024 through December 31, 2024; and b. A federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$927,164 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2024 through February 28, 2025; and c. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD) that are estimated to be: 1. \$4,165,069 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2024 through May 31, 2025; and 2. \$2,438,926 for COACH Project (COACH) for the period of January 1, 2025 through December 31, 2025.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**31. 2023 Police Equipment & Community Safety Ordinance Annual Report**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the 2023 Equipment Ordinance Annual Report.

**Financial Implications:** See report

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

## Consent Calendar

- 32. Active Transportation Program Cycle 7 Grant Funding Applications**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program (ATP) for the following projects: Southwest Berkeley Bike Boulevards for up to \$4 million; Adeline Street Quick-Build for up to \$1.05 million; accept the grants if awarded, and execute any resulting agreements and amendments. Two of these Resolutions are for applications to the Caltrans-administered ATP Statewide grant program, and two are applications to a regional sub-program, administered by the Metropolitan Transportation Commission (MTC).  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 33. Authorize Purchase Order with National Auto Fleet Group for Twenty Ford Police Interceptor Utility (K8A) AWD Vehicles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures and authorizing the City Manager to execute a purchase order for twenty (20) Ford Police Interceptor Utility (K8A) AWD vehicles with the National Auto Fleet Group in an amount not to exceed \$1,269,808.20.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300
- 34. Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras**  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution authorizing the City Manager to execute a contract with Edgeworth Integration, LLC for purchase and installation of External Fixed Video Surveillance Cameras at fifteen council-approved locations, for an amount not to exceed \$850,000.  
2. Adopt a Resolution to authorize the installation of additional External Fixed Video Surveillance Cameras under this contract scope should they be approved by City Council, included in the Surveillance Policy and funding appropriated.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Consent Calendar

### 35. **FY 2024/2025 Transportation Development Act Article 3 Fund Allocation**

#### **From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the June 14, 2024 deadline for \$151,950 of FY 24/25 Transportation Development Act (TDA) Article 3 funding to complete the Berkeley Bicycle Plan update.

2. Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; the project has been reviewed and supported by the Transportation and Infrastructure Commission (TIC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Congestion Management Agency, countywide transportation planning agency, or County Association of Governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

### 36. **Reappointment of Monica Renee Jones to the Mental Health Commission**

#### **From: Mental Health Commission**

**Recommendation:** Adopt a Resolution approving the reappointing of Monica Renee Jones to the Mental Health Commission, as a representative of the General Public Interest Category for a second 3-year term beginning June 4, 2024 and ending June 3, 2027. During her first term she was a member of the youth subcommittee and was the Chair for the last year.

**Financial Implications:** None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

### 37. **Contract: GPP Analytics Inc. for Independent Third-Party Audit of Payroll Audit Division**

#### **From: Auditor**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders with GPP Analytics Inc. in an amount not to exceed \$120,000 to conduct an independent performance audit of the City Auditor's Office's Payroll Division activities.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

## Consent Calendar

**38. Amendments to Berkeley's Municipal Code Chapter 2.24 to Establish Whistleblower Program Authority**

**From: Auditor**

**Recommendation:** Adopt first reading of an ordinance amending City Auditor's Office (BMC Chapter 2.24) authority and scope of work to formally establish the City Auditor's authority to receive and refer reports of fraud, waste, or abuse as well as investigate those reports and any reports of retaliation against whistleblowers.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

**39. Appointment of Interim City Manager**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution approving the appointment of LaTanya Bellow as the Interim City Manager to be effective July 11, 2024 to September 15, 2024 at a prorated rate of pay based upon an annualized salary of \$401,722.10 for the period of service in this role, in addition to employee benefits, and approving an employment agreement.

**Financial Implications:** See report

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

**40. Appointment of City Manager**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution approving the appointment of Paul Buddenhagen as the City Manager of the City of Berkeley to be effective September 16, 2024 at an annual salary of \$401,722.10 and additional employee benefits, and approving an employment agreement.

**Financial Implications:** See report

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

**41. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

**From: Councilmember Taplin (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.

**Financial Implications:** See report

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

## Council Consent Items

- 42. Support for H.R. 7849 (Thompson and LaMalfa)**  
**From: Councilmember Wengraf (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a letter of support for the Disaster Resiliency and Coverage Act of 2024 (H.R. 7849, Thompson and LaMalfa) and send it to Representatives Mike Thompson, Doug LaMalfa, Barbara Lee and Senators Alex Padilla and Laphonza Butler.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.*

*A member of the public may only speak at one of the two public comment periods for any single Action item.*

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

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

## Action Calendar – Scheduled Public Comment Period

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

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

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

*When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

## Action Calendar – Public Hearings

**43. Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the second reading of Ordinance No. 7,903-N.S. which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**44. Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,906-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**45. ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space, and dismiss the appeal.

**Financial Implications:** None

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

## Action Calendar – New Business

**46. Fiscal Years 2025 and 2026 Proposed Budget and Fiscal Years 2025-2029 Capital Improvement Program**

**From: City Manager**

**Recommendation:** Receive the Proposed Fiscal Years 2025-2029 Capital Improvement Program and provide comments on the Capital Improvement Program and the Fiscal Years 2025 and 2026 Proposed Biennial Operating Budget.

**Financial Implications:** See report

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

## Council Action Items

47. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission** (*Reviewed by the Agenda & Rules Committee*)  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.  
*Policy Committee Recommendation: To send the item to the City Council with a negative recommendation.*  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

Archived indexed video streams are available at:

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

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

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

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

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

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

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

City Clerk Department - 2180 Milvia Street, First Floor

Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)  
Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

**COMMUNICATION ACCESS INFORMATION:**

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 23, 2024.*

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

Mark Numainville, City Clerk

## Communications

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

**Item #45: ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144**

1. Law Offices of HansonBridgett

**Utility Undergrounding District #48 Project (UUD48)**

2. Richard Pettler, Attorney for Gary and Anita Ingram

**Retaining Wall and Transformer Installation at 1407 Grizzly Peak**

3. Law Offices of Richard Pettler, on behalf of clients Gary and Anita Ingram

**Rent Board Offices Closed**

4. Robert Hagedorn

**Narrow and Crowded Streets**

5. Janet Huseby

**Parking Lot at University and San Pablo**

6. Ryan and Karin

**Traffic Deaths**

7. Charlotte Daniels

**3031 Adeline Street Proposed Building**

8. Lynn Cooper

**District 7 Website**

9. Erik Bigglestone

**Merchants Advisement of Street Closures**

10. Erik Bigglestone, on behalf of Games of Berkeley

11. Wahid Amiri, Deputy Director of Public Works/Engineering and Transportation (2)

**Bay City Paving No Parking Signs**

12. Daniel Auten

**Support Waterside Workshops**

13. Amir Bahman

**No International Resolutions**

14. Todd Andrew

15. Councilmember Hahn

**Solano Stroll Safety**

16. Todd Andrew, Chair Solano Avenue Business Improvement District

**Berkeley Bike Park**

17. Dan Leaverton

**Stop Sign and Traffic Light Visibility**

18. Cecelia Mautner

**Public Nuisance Abatement Complaint for Barkmont**

19. Greenfire Law

**2274 Shattuck Development**

20. Mark Federico Moreno

21. Laura Fujii

**Councilmember Assistance**

22. Sally Torrez

**Kala Art Institute Thank You**

23. Ellen Lake

**Soliciting on Fourth Street**

24. Brian Donahue

**Trouble with World Government**

25. Vivian Warkentin

**Excessive Solar Permit Fees**

26. Mathew Hirsch

**26-Story Apartment Tower**

27. David Lerman

**Youth Walkout at King Middle School**

28. Sarah Lefton

**Cesar Chavez Park Methane Control & Radioactivity**

29. Virginia Browning (2)

30. Rain Sussman

**Memorial to Irish Students – Graffiti**

31. Moni Law

**Yom Haatzmaut (Israeli Independence Day)**

32. Jewish Coalition of Berkeley

**2023 Bayer Annual Report**

33. Jennifer Cogley, on behalf of Bayer

**2024 Police Accountability Report**

34. Office of the Director of Police Accountability

**1701 Hopkins**

35. Keith Bayne (4)

**Middle East Conflict**

36. Kyra Ginsburg

37. Sholeh Asgary

38. Jon Jackson

39. Angelina Chen

40. Dorothea Dorenz

41. Aaron Katler
42. Erwan Illian
43. Russel Bates (5)

### **Supplemental Communications and Reports**

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

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