



**REVISED AGENDA
(ADDED TELECONFERENCE LOCATION)
BERKELEY CITY COUNCIL MEETING
Tuesday, September 10, 2024
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVENUE, BERKELEY, CA 94708
TELECONFERENCE LOCATION – 17 E MONROE STREET, CHICAGO, IL 60603

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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. Live captioned broadcasts of Council Meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1607838997>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 783 8997**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

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

Government Code Section 84308 (Levine Act) - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

Preliminary Matters

Roll Call:

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

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

1. Pledge of Allegiance

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.

Recess Items

- 1. Grant Application: Local Transportation Climate Adaptation Program (LTCAP) for the Interstate 80 Aquatic Park Lagoon Tidetube Culvert Resiliency Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state Local Transportation Climate Adaptation Program (LTCAP) for the Aquatic Park Tidetube Culvert Resiliency Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.
Financial Implications: \$3.2 million in grant revenue.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. Grant Application: U.S. DOT – Charging and Fueling Infrastructure Discretionary Grant – South Cove West Parking Lot Renovation and EV Charging Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the U.S. DOT Charging and Fueling Infrastructure (CFI) Discretionary Grant program for the South Cove West Parking Lot Renovation and EV Charging Project.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 3. Lot Line Adjustments at 1401 Carleton Street and 1423 Ward Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,932-N.S. authorizing the City Manager to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve main dwelling encroachments at the City's Santa Fe Trackbed to Park Conversion Project Site.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 4. Lease Agreement: Youth Musical Theater Company for the Live Oak Theater at 1301 Shattuck Ave**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,933-N.S. authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's Live Oak Theater at 1301 Shattuck Avenue for a term of three years, anticipated to begin September 1, 2024 and ending August 31, 2027, with one five-year option.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 8, 2024 (special), July 9, 2024 (special and regular), July 22, 2024 (special), July 23, 2024 (specials and regular), July 29, 2024 (special), July 30, 2024 (special and regular) August 5, 2024 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 6. Contract: FileTrail, Inc. for Records Management Software System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with FileTrail, Inc. for \$178,653.47 for software licensing, maintenance, and related services for a records management software system, for a total contract amount not to exceed \$178,653.47 and for the term from September 26, 2024 to September 26, 2029.
Financial Implications: General Fund - \$178,653.47
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 7. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the General Assembly of the Annual League of California Cities conference to be held on Friday, October 18, 2024, in Long Beach.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 8. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee)*
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections related to account for hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add revisions recommended by the Open Government Commission and approved by Council; Add new language and update existing language related to the legislative process recommended by the Agenda & Rules Committee; and rescinding any preceding amendatory resolutions.
Policy Committee Recommendation: To send the proposed amendments to the Rules of Procedure, as discussed and further amended on August 26, 2024, to the City Council with a positive recommendation.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 10, 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 - \$5,960,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 10. Mental Health Services Act Fiscal Year 2025 Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2025 Annual Update, which identifies uses of funds for mental health programming, and forwarding the Annual Update to appropriate State officials.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

11. 2024 Local Housing Trust Fund Application

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000, and to apply such funds to the City's existing funding reservations for two projects at the North Berkeley BART (NBB) site: NBB East Bay Asian Local Development Corporation (EBALDC) Project and NBB BRIDGE Insight Permanent Supportive Housing (PSH) Project via the City's Housing Trust Fund program.

Financial Implications: See report

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

12. Contract No. 32300112 Amendment: Harold Dichoso for COVID-19 Outreach and Education

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2025 and increase the not-to-exceed amount (NTE) by \$63,928 utilizing one-time grant funds. The amendment will increase the NTE amount from \$144,950 to \$208,878.

Financial Implications: One-Time Fund - \$63,928

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

13. Contract No. 32200135 Second Amendment: Multicultural Institute for COVID-19 Outreach and Education

From: City Manager

Recommendation: Adopt a Resolution amending Contract No. 32200135 with Multicultural Institute, to extend the contract end date through June 30, 2025, and increase the not-to-exceed amount (NTE) by \$45,136 utilizing one-time grant funds. The amendment will increase the NTE amount from \$186,000 to \$231,136.

Financial Implications: One-Time Fund - \$45,136

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

14. Contract No. 32500020 Amendment: ACAPMO for Technology PMO Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500020 with company ACAPMO for Technology Program/Project Management Office (PMO) services, to allow for additional services and support for a total not to exceed \$249,999 from August 1, 2024 to December 31, 2025.

Financial Implications: See report

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

Consent Calendar

- 15. Contract No. 31900187 (Fund\$ 10734) Amendment: ISP.NET (formerly LV.NET) for Secondary Internet for Redundancy and Load Balancing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900187 (Fund\$ 10734) with ISP.NET (formerly LV.NET) for redundant secondary internet services, increasing the contract amount by \$84,000 for a total not-to-exceed amount of \$362,000 from October 3, 2017 to June 30, 2026.
Financial Implications: Communications Services Fund - \$84,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 16. Contract No. 32100185 Amendment: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the contract by \$1,037,372 for an increased total not to exceed amount of \$2,033,489, from May 14, 2021 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - \$1,037,372
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 17. Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Computer Aided Dispatch (CAD) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for an extension of the maintenance and support of Computer Aided Dispatch (CAD) software, increasing the amount by \$645,173 for a total contract value not-to-exceed \$2,934,123, and extending the term of the contract through June 30, 2026.
Financial Implications: General Fund - \$645,173
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

- 18. Contract: With Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies: Using State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA) for hardware, software, and services related to the Server Infrastructure Upgrade and Azure Disaster Recovery**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Contract with Roundstone Solutions Inc., an implementer of Nutanix Hyperconverged Technologies, for the purchase of server hardware, software, and related services for a server infrastructure upgrade and disaster recovery enhancements, utilizing pricing established by the State of California Department of General Services (DGS) Leveraged Procurement Agreement (LPA), for a total amount not to exceed of \$1,395,000 for the term August 1, 2024 through July 31, 2027.
Financial Implications: IT Cost Allocation Fund - \$1,395,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 19. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$50,000, for a total not-to-exceed amount of \$299,500 through July 31, 2025.
Financial Implications: IT Cost Allocation - \$50,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 20. Dell Computers, Inc.: Contract # 319002070-Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2025 for an additional amount of \$1,704,438 in Fiscal Year 2025 with a total Not-To-Exceed (NTE) contract amount of \$5,411,676.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

21. **Contract No. 099471-1 Amendment: Integrated Business Consultants of GA to Extend Term, Maintenance & Support for the PacSoft Marina Management System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 099471-1 with Integrated Business Consultants of GA (“Reseller”) for: (1) additional software maintenance and (2) twenty (20) additional support hours, in an amount not to exceed \$16,906.61 for a new not to exceed contract amount of \$100,359.61, and extending the contract term through June 30, 2027.
Financial Implications: Marina Operations Fund - \$16,906.61
Contact: Kevin Fong, Information Technology, (510) 981-6500
22. **Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**
From: City Manager
Recommendation: Adopt a Resolution increasing the amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by \$120,000 for a total not to exceed amount of \$556,954.
Financial Implications: General Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
23. **Donation: Memorial Bench at the Berkeley Waterfront Pathway in memory of Ying Xiang Liu**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Waterfront Pathway in memory of Ying Xiang Liu.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
24. **Donation: Memorial Bench at the Berkeley Waterfront in memory of Obaidulla Khan**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Obaidulla Khan.
Financial Implications: \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 25. Mills Act Contract – 1401 Le Roy Avenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Michael Greenwald and Ronna Bach for the City Landmark property at 1401 Le Roy Avenue.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 26. Mills Act Contract – 60 Panoramic Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Jordan Kanarek and Gabrielle Goldstein for the City Structure of Merit property at 60 Panoramic Way.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 27. Mills Act Contract – 7 Greenwood Common**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Anne and Michael Ray for the City Landmark property at 7 Greenwood Common.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 28. Donation: Fusako Castro Estate to the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation in the amount of \$1,125.42 from the Fusako Castro Estate to the Berkeley Police Department.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 29. Contract: All-Star Talent for Recruiting, Advertising, and Marketing Strategy for the Berkeley Police and Fire Departments**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with All-Star Talent for public safety recruiting and retention services from June 1, 2024 through May 30, 2028 and a not to exceed \$1,313,482 with an option to extend for two additional two-year periods.
Financial Implications: Various Funds - \$1,313,482
Contact: Jennifer Louis, Police, (510) 981-5900, David Sprague, Fire, (510) 981-3473

Consent Calendar

30. Revenue Grant: California Office of Traffic Safety (OTS) for the 2025 “Selective Traffic Enforcement Program (STEP) Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$255,000 for the period of October 1, 2024 through September 30, 2025, which is Federal Fiscal Year 2025.

Financial Implications: See report

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

31a. Recommendation Regarding Panoramic Hill Secondary Evacuation *(Reviewed by the Public Safety Committee)*

From: Disaster and Fire Safety Commission

Recommendation: Adopt a Resolution approving the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

Policy Committee Recommendation: To send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

Consent Calendar

31b. Companion Report: Recommendation Regarding Panoramic Hill Secondary Evacuation *(Reviewed by the Public Safety Committee)*

From: City Manager

Recommendation: Adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. The results of the study should then be shared with the Public Safety Policy Committee.

Policy Committee Recommendation: To send the Commission item and the City Manager Companion Report to Council, and giving a positive recommendation to the City Manager Companion Report for City Council to adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood.

Financial Implications: See report

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

32. Request for One Additional Meeting in 2024 due to Special Meeting to Address Insight Housing Allocation

From: Homeless Services Panel of Experts

Recommendation: That Council recommend to refer to the City Manager that one additional meeting be granted to the Homeless Services Panel of Experts (HSPE) in 2024.

Financial Implications: See report

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

33. Official Naming of the Concrete Planter at the Southeast Corner of Adeline St and Alcatraz Ave as the “Ms. Richie and Friends of Adeline Native Garden”

From: Parks, Recreation and Waterfront Commission

Recommendation: Adopt a Resolution officially naming the concrete planter at the southeast corner of Adeline St and Alcatraz Ave as the “Ms. Richie and Friends of Adeline Native Garden”.

Financial Implications: None

Contact: Roger Miller, Commission Secretary, (510) 981-6700

Council Consent Items

34. Amending BMC 7.52.060 to include “Wildfire Hardening” in the Real Property Transfer Tax Exceptions

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

Recommendation: Adopt the first reading of an Ordinance to amend Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, by adding Sub-section L, Wildfire Hardening, below Sub-section K, Seismic Upgrades.

Financial Implications: To be determined

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

Council Consent Items

35. AC Transit Draft Final Plan

From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: Send a letter to AC Transit urging them to reconsider the frequency of service for bus lines 65 and 67 including restoration of weekend service.

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

36. Ambulance Transport Fee Increase

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County’s approved ambulance user fee schedule made effective July 1, 2024, for the Cities of Alameda, Albany, Berkeley, and Piedmont and to adjust the First Responder Fee. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 71,063–N.S.

Financial Implications: See report

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

Council Action Items

37. Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt a resolution affirming that the City of Berkeley will continue to offer interim housing (i.e., a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City’s existing “Housing First” approach and best practices guidance from the federal government. In order to account for nuanced health and safety situations, the resolution allows for six specific exceptions to this practice, based on City staff experience.

Offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness. It will continue to be the City’s practice to make shelter offers whenever practicable and to invest in more shelter options. However, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, Berkeley Municipal Code (BMC) Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies’ construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

Council Action Items

The City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e) ; or citation and arrest, even if a shelter offer cannot be made. Adopt revisions to BMC Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks to delete portions of 14.48.020, 14.48.120A and 14.48.120B in order to give the City Manager authority to make conforming changes to Administrative Regulation 10.2 to effectuate the above-stated encampment policy. Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120 is to be revised by the City Manager to enable enforcement of temporary non-commercial objects of less than nine-square-feet within less than 24 hours in a designated public area marked with signage to deter re-encampment.

Financial Implications: None

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

Information Reports

38. 2024-25 Housing Advisory Commission Work Plan From: Housing Advisory Commission

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on

the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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 September 5, 2024.

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

Mark Numainville, City Clerk

Communications

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

Item #37: Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

1. Caroline Winnett
2. Tom Parrish
3. Steve Kromer
4. Peg Bogle
5. Jacques Janson
6. Dixon Brooke
7. Mary Law
8. Phil Allen
9. Chris Schalis
10. Steven S.
11. Gary Shoyama
12. Chia Zau
13. Dorothea Dorenz
14. David Rosen
15. Jim Liefer
16. Mark Rhoades
17. Mel
18. Tylee Holden
19. John Norheim
20. Susan Andres
21. Fabian Goericke
22. 48 Similarly-worded form letters

Specificity of Agenda Item Descriptions

23. Kitt Saginor, Chair, Open Government Commission

Mitigation Plan

24. Mary BehmSteinberg
25. Susan Schwartz, President, Friends of Five Creeks

Zoning Concerns

26. John J. Parman
27. Elke Glendenning
28. Clifford Fred
29. Joe Schlessinger
30. Miki Tal
31. James Cline
32. Arlene Taylor
33. Betsy Bigelow-Teller
34. Susan Nunes Fadley (2)
35. Audre Newman
36. Tyler Kennedy
37. Dean Pollycove

- 38. Taya Monfried
- 39. Dorothea Dorenz
- 40. Gwen Martini
- 41. Lisa Bruce
- 42. John Rice
- 43. Rachel Bradley
- 44. Laurent de Janvry
- 45. Kathy Dittmer
- 46. Mary Louise Zernicke

Traffic Concerns

- 47. Amantuck Cappa-Lambert

Public Funds

- 48. David Lerman

East Bay Kidical Mass Invitation

- 49. Marc Hedlund

Flag Concerns

- 50. Michael J. Cassidy
- 51. Dorothea Dorenz

Containers at 2556 Haste St.

- 52. Jennifer Frehn

Wildlife Population

- 53. Erin Williams

Residential Parking Permit

- 54. John J Brogan

Police Review Commission

- 55. Alan Jencks

Construction Debris

- 56. Chess Club

New Housing Concern

- 57. Ken Bukowski

Delaware Streets ADU

- 58. Leif White and Felisa Ramirez

New Tax Proposals

- 59. Gregory Harper

Rent Stabilization Ordinance Revisions

60. Toni Mester

Cedar Rose Park

61. Carol Hirth

BPD's Policy 300 Community Input Sessions

62. Office of the Director of Police Accountability (2)

Blocked Sidewalk Concern

63. Neighbors on 5th Street

Diverter Visibility

64. Alfred Twu

65. Warren J. Wells

Russell/Milvia Junction

66. Andy Verity

Small Landlords

67. Elliot Abrams

Berkeley Day Camp

68. Kendra K. Levine

Appliance Upgrades

69. Nicole Bloom & Sue Swigart

Natural Gas

70. Ghawar Camij Toschian

People's Park

71. Gabriel Cornejo

72. Russbumber

73. Paul Kealoha Blake

School Safety Programs

74. Dorothea Dorenz

Garbage Cans at Codornices Park

75. Katherine Silver

Safety Concerns

76. Katya and Unity Stoakes

77. Dr. Bruce Brody

Reusable Air Filters

78. Christopher La Combe

Rental Regulatory Agreement

79. Alex S. Merenkov

Restaurant Inspections

80. Barbara Gilbert

81. David Lerman

82. Sabina McMurtry

CA Senate Bill 4

83. Shane Bohart

UA Theater

84. Mimi Mounqovan

85. Charlene Woodcock (2)

86. Constance Rivemale

87. James Hudkins

88. Mischa Lorriane

89. T.T. Nhu

90. Diana Naparst

91. Salli Lundgren

92. Allen Michaan

93. Laura Linden

Longfellow Middle School

94. Liza Lutzker

95. Wahid Amiri

San Pablo Ave

96. Caramia Visick

Vandalism

97. Tim O'Brien

Police Accountability

98. Carol Denney (2)

Berkeley Post Office

99. Michael Martel

K Street Flats

100. Devisadaria Duchine

Chevron

101. Leslie West

Housing and Health Concern

102. Anne McClintock

Stadiums

103. Josh Atwood

Sylvia Mendez Air Quality

104. Carrie Rybczynski

105. Sara Peschel and Troy Martinez

106. Maria Carriedo (2)

TOPA

107. Jean Tepperman Tepperman

108. Tahira Dean

Veteran Blog

109. William T. Elliot

Lorin Commercial District

110. Teresa Clarke

Email Request

111. Pat Wilde

Presidential Election

112. Russbumper (2)

113. David L. Axelrod

114. Arthur Fonseca

Middle East Conflict

115. Russbumper (8)

116. Erwan Illian (12)

117. Crustyrusty

118. Nora Shourd

119. Elana Auerbach

Newsletters

120. Vivian Warkentin

121. Erwan Illian (9)

122. Josh Atwood

URL's

- 123. Russbumper (37)
- 124. Josh Atwood
- 125. Erwan Illian

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.