



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, October 29, 2024

6:00 PM

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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/1604285038>. 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: 160 428 5038**. 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.*

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. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of September 9, 2024 (closed), September 10, 2024 (regular), September 16, 2024 (closed and special), September 24, 2024 (closed and regular), September 30, 2024 (closed and special).

Financial Implications: None

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

2. 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 to account for hybrid meetings; incorporate certain temporary provisions from Appendix C into the main body of the document; and rescinding any preceding amendatory resolutions.

Policy Committee Recommendation: To recommend the proposed amendments to the City Council, amended to remove the portion on limiting debate and the phrase about votes on the Consent Calendar.

Financial Implications: None

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

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 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: See report

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

Consent Calendar

- 4. Purchase Order: ZOLL Medical Corporation for ECG Monitor/Defibrillators**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase Order and any amendments with ZOLL Medical Corporation to purchase a new fleet of 40 Advanced Life Support (ALS) Electrocardiogram (ECG) Monitor/Defibrillators, associated equipment and maintenance in an amount not to exceed \$2,832,950 for not more than seven (7) years.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 5. Contract: Berkeley Food Network for Berkeley-Based Food Assistance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments or extensions with Berkeley Food Network to provide food assistance to low-income households in Berkeley in an amount not to exceed \$400,000 for the period December 2, 2024 through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 6. Contract No. 32400176 Amendment: Health Officer Coverage – Dr. Gail Newel**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400176 with Dr. Gail Newel to increase by \$50,000 for a total not to exceed amount (NTE) of \$100,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 7. Contract No. 32400177 Amendment: Health Officer Coverage – Dr. Lisa B. Hernandez**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400177 with Dr. Lisa B. Hernandez to increase by \$50,000 for a total not to exceed amount (NTE) of \$100,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

8. Housing Trust Fund Recommendations for the Berkeley Unified School District Workforce Housing Project and the St. Paul Terrace Project

From: City Manager

Recommendation: Adopt a Resolution to: 1. Reserve an additional \$2,000,000 for Satellite Affordable Housing Associates (SAHA) and Abode Communities' Berkeley Unified School District (BUSD) Workforce Housing project; and 2. Reserve an additional \$3,504,319 for Community Housing Development Corporation of North Richmond (CHDC)'s St. Paul Terrace project with the following conditions: a. Funds shall be reserved for a period of no more than 18 months from the date of Council approval, contingent on the development team obtaining all required land use approvals of the property and securing commitments for project funding that the City Manager or their designee deems sufficient within the reservation period. b. CHDC shall apply to alternative funding sources with the intent of reducing the need for these additional City funds. CHDC shall provide updates to the City on the applications submitted and the outcomes. 3. Authorize the City Manager or their designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

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

9. Fiscal Year 2025 Meals on Wheels of Alameda County Donations for the Berkeley Meals on Wheels Program

From: City Manager

Recommendation: Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2025 (FY2025).

Financial Implications: See report

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

10. Contract No. 32400104 Amendment: SmartWave for City Facility Managed Wi-Fi

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400104 with SmartWave Technologies LLC, for managed Wi-Fi and related services increasing the amount by \$250,000 for a total not-to-exceed amount of \$620,000 from July 25, 2023 to June 30, 2026.

Financial Implications: See report

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

Consent Calendar

- 11. Contract: American Debris Box Service Inc. for Portable Toilet Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with American Debris Box Services, Inc. for portable toilet service in an amount not to exceed \$360,000 for a period of two years, with an option to extend up to three additional 12-month periods for a total amount not to exceed \$900,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 12. Contract: Redwood Engineering Construction for Martin Luther King Jr. Civic Center Park - Upper Plaza Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Martin Luther King Jr. Civic Center Park Upper Plaza Improvements Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the Martin Luther King Jr. Civic Center Park Upper Plaza Improvements Project at 2135 Martin Luther King Jr Way, in an amount not to exceed \$1,042,139 which includes a contract amount of \$868,449 and a 20% contingency in the amount of \$173,690.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation from Berkeley Echo Lake Camp Association for Echo Lake Camp Youth Scholarships and Programming**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to \$25,000 from the Berkeley Echo Lake Camp Association (BELCA) for Echo Lake Camp youth scholarships and programming.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Council Referral and Contract: Green Pocket Forest for Miyawaki Forest Design and Installation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to execute a contract with Green Pocket Forest for the design and installation of a Miyawaki forest in an amount not to exceed \$142,775.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 15. Agreement Regarding Allocation of Costs for Railroad Crossing Improvements for Berkeley Commons Between Berkeley Commons Owner, LLC, (“Developer”) a California Limited Liability Company and the City of Berkeley (“City”)**
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager to execute an agreement (Attachment 1 to the report) and any amendments with Berkeley Commons (Developer) for payment for all the improvements to mitigate the impact of Berkeley Commons Development (Project) at the Addison Street and Bancroft Way at-grade railroad crossings.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 16. Contract No. 32500095 Amendment: B-Bros Construction Inc. for Temporary Stabilization of Stair Tower Windows at 2180 Milvia Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500095 with B-Bros Construction, Inc. to complete the window stabilization and add additional scope to remediate flaking paint and repaint interior perimeter walls at 2180 Milvia Street, increasing the current authorized not-to-exceed (NTE) contract amount of \$400,000 by \$947,671, for a total NTE amount of \$1,347,671.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 17. Renewal of the Solano Avenue BID for Calendar Year 2025**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board’s (hereafter “Solano BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2024 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2025; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2025; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 3, 2024.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Council Consent Items

18. **2024-2025 Budget Request: Funding for Speed Bump at Russell and Martin Luther King Jr. Way**
From: Councilmember Bartlett (Author)
Recommendation: That the Council refers the November AAO#1 Budget Process \$7,000 to fund the speed bump installation on Russell Street at King Street or other costs associated with the traffic calming method that City Staff sees fit.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
19. **FY25 Budget Request: Funding for Replacement of Six Existing Wrought Iron Barriers for South Adeline Circular Planters**
From: Councilmember Bartlett (Author)
Recommendation: That the City Council refer \$50,000 to the FY25 AAO1 budget process for the replacement of the existing six wrought iron barriers that protect the circular planters on South Adeline Street in District 3, as requested by community members and identified by city staff. These new artistic barriers will match the ones on Shattuck Avenue in the downtown area, create new seating opportunities, enhance the aesthetic appeal and foster a more positive community atmosphere.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
20. **“Your Rose Garden”’: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Wengraf (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Vice Mayor Susan Wengraf to the Living New Deal, earmarked for the completion of the short film, “Your Rose Garden,” with funds relinquished to the City’s General Fund for this purpose from the discretionary Council Office Budgets of Vice Mayor Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: See report
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

Action Calendar

Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – New Business

21a. **Achieving Goals of 2018 Berkeley Age-Friendly Action Plan** *(Reviewed by Budget & Finance Committee)*

From: Commission on Aging

Recommendation: Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan as outlined in the report, by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan. The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan: 1. Housing and Economic Security: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status. 2. Transportation and Mobility: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities. 3. Health and Wellness: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities. 4. Social Participation and Civic Engagement: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a qualified positive recommendation to consider sending both items to the City Manager for evaluation of the age-friendly action plan and the provision of recommendations.

Financial Implications: See report

Contact: Darleen Bronson, Commission Secretary, (510) 981-5400

Action Calendar – New Business

21b. Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan *(Reviewed by Budget & Finance Committee)*

From: City Manager

Recommendation: Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals: 1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley 2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community. 3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.

Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a qualified positive recommendation to consider sending both items to the City Manager for evaluation of the age-friendly action plan and the provision of recommendations.

Financial Implications: See report

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

22a. Measure P Allocations, Fiscal Year 2025-2026 *(Reviewed by Budget & Finance Committee)*

From: Homeless Services Panel of Experts

Recommendation: That Council approve the Homeless Services Panel of Experts recommendations to allocate Measure P revenue providing homeless services as detailed in Attachment 1, Exhibit A to the report.

Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a negative recommendation that no further action is required, as the Council has already taken action through the adoption of the 2025-26 Bi-annual Budget.

Financial Implications: See report

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

Action Calendar – New Business

- 22b. Companion Report: Measure P Allocations, Fiscal Year 2025-2026** *(Reviewed by Budget & Finance Committee)*

From: City Manager

Recommendation: Approve the Homeless Services Panel of Experts recommendations for Fiscal Years 2025-2026, but continue to partially fund 5150 transports from Measure P until alternative sources can be identified.

Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a negative recommendation that no further action is required, as the Council has already taken action through the adoption of the 2025-26 Bi-annual Budget.

Financial Implications: See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000, David Sprague, Fire, (510) 981-3473

Council Action Items

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

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

Recommendation: Refer to City Manager and the Budget and Finance Committee to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

Policy Committee Recommendation: To refer the item to the City Council with a qualified positive recommendation to refer the policy to the 2026 Fiscal Year budget process for consideration alongside other available funds for traffic calming, bike, pedestrian, and transit priority projects.

Financial Implications: See report

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

Information Reports

- 24. Commission on Labor Fiscal Year 2025 Work Plan**

From: Commission on Labor

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

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.

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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 October 17, 2024.*



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](#).*

### **Berkeley Art Center**

1. Chandra Cerrito
2. Sholeh Asgary
3. Helia Pouyanfar

### **Bearathlon 2024**

4. Brooke Soobrian

### **Health Demands**

5. Cameron Woo

### **Heatwave and Cooling Centers**

6. Pamela Michaud
7. Alex S. Merenkov

### **Cannabis Ordinance**

8. Geoffrey Lomax
9. Barbara Gilbert

### **12 Panoramic Construction**

10. Andrew Fisher

### **TOPA**

11. Melody Hultgren

### **Greek Theater**

12. Lynn

**Encampment Policy**

13. Eva Herzer

**RM4**

14. Save Marinwood

15. Ken Bukowski

**Kittleson Parking Memorandum**

16. James McGrath

**Missing Middle**

17. Jack Kurzweil

**Marin St. Fire Station Trees**

18. Pauline Bondonno Cross, Jason Cross, and Julia Cross

**6th and Harrison**

19. Craig Nagasawa

**UA Theater**

20. John Zabinski

**Cesar Chavez Park**

21. Dave Mandel

**Commemoration Invitation**

22. Elana Naftalin-Kelman

**Carpet Repair**

23. Alex S. Merenkov

**Missed Inspection**

24. Preeti

**Newsletters**

25. Josh Atwood

26. Richard Schwartz

27. Young Futures Team

28. Eric Friedman

**Books in Berkeley**

29. Josh Atwood

**Shotgun Players Funding**

30. Pauline Bondonno Cross and Jason Cross

## **URL's**

31. Josh Atwood (5)
32. Eid
33. Keith Bayne
34. Jaleh Niazi

## **Forwards of Current Events**

35. Eid (5)

## **Middle East Conflict and Peace & Justice Commission**

36. Mariel Estrada
37. Summer Brenner
38. Diana Bohn
39. Sally Nelson
40. Juli Dickey
41. Stephanie Allan and Jack Kurzweil
42. Brett Mendel
43. Tal Garner
44. 47 Similarly worded form letters "Vote NO on ceasefire and NO on related resolutions"
45. 49 Similarly worded for letters "Thank You for Passing the Resolution for Peace and Justice in Palestine"

## **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.

