



Office of the City Manager

CONSENT CALENDAR  
October 29, 2024

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

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

CONTACT PERSON

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

Attachments:

1. September 9, 2024 – Special Closed City Council Meeting
2. September 10, 2024 – Regular City Council Meeting
3. September 16, 2024 – Special City Council Meeting
4. September 16, 2024 – Regular City Council Meeting
5. September 24, 2024 – Special Closed City Council Meeting
6. September 24, 2024 – Regular City Council Meeting
7. September 30, 2024 – Special City Council Meeting
8. September 30, 2024 – Special Closed City Council Meeting

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, SEPTEMBER 9, 2024**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

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

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1615126453>. 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: **161 512 6453**. 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](mailto: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:** 4:35 p.m.

**Present:** Taplin, Tregub, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Bartlett, Hahn

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

## CLOSED SESSION:

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

**1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1) and (4):**

- a. *Service Employees International Union Local 1021 v. City of Berkeley*  
California Public Employment Relations Board  
Unfair Practice Charge No. SF-CE-2211-M (filed August 8, 2024)
- b. *Service Employees International Union Local 1021 v. City of Berkeley*  
California Public Employment Relations Board  
Unfair Practice Charge No. SF-CE-2218-M (filed August 23, 2024)

**Action:** No reportable action taken.

**2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: LaTanya Bellow, Interim City Manager, Anne Cardwell, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Chaka Young, Employee Relations Manager, Jonathan Holtzman, Labor Negotiator, Burke Dunphy, Labor Negotiator

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

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 5:42 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 9, 2024.

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Mark Numainville, City Clerk

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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.*

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.



**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.

**MINUTES**  
**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:

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 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

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*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](mailto:council@berkeleyca.gov).*

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## Preliminary Matters

**Roll Call:** 6:05 p.m.

**Present:** Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:11 p.m.

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

### Ceremonial Matters:

1. Pledge of Allegiance

### City Manager Comments:

The City Manager announced several community events including Movies in the Park at Grove Park on 9/13; Skate Jam at the Skate Park on 9/14; Poppin' Thursday Roller Party at Gove Park on 9/19; Coastal Cleanup at Shorebird Park on 9/21.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Public Comment by Employee Unions:** 0 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 7 speakers.

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

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

## 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  
**Action:** Adopted Resolution No. 71,485–N.S.
- 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  
**Action:** Adopted Resolution No. 71,486–N.S.

## 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  
**Action:** Adopted second reading of Ordinance No. 7,932–N.S.

## Consent Calendar

- 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  
**Action:** Adopted second reading of Ordinance No. 7,933–N.S.
- 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  
**Action:** Approved the minutes as submitted.
- 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  
**Action:** Adopted Resolution No. 71,487–N.S.
- 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  
**Action:** Designated Councilmember Humbert as the City's Voting Delegate.

## Consent Calendar

**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

**Action:** Item 8 continued to September 24, 2024.

**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

**Action:** Approved recommendation.

**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

**Action:** Adopted Resolution No. 71,488–N.S.

## 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

**Action:** Adopted Resolution No. 71,489–N.S.

### 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

**Action:** Adopted Resolution No. 71,490–N.S.

### 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

**Action:** Moved to Action Calendar. M/S/C (Tregub/Lunaparra) to adopt Resolution No. 71,491–N.S.

**Vote:** Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin (Recused).

## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 71,492–N.S.
- 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  
**Action:** Adopted Resolution No. 71,493–N.S.
- 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  
**Action:** Adopted Resolution No. 71,494–N.S.
- 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  
**Action:** Adopted Resolution No. 71,495–N.S.

## 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  
**Action:** Adopted Resolution No. 71,496–N.S.
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  
**Action:** Adopted Resolution No. 71,497–N.S.
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  
**Action:** Adopted Resolution No. 71,498–N.S.

## 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  
**Action:** Adopted Resolution No. 71,499–N.S.
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  
**Action:** Adopted Resolution No. 71,500–N.S.
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  
**Action:** Adopted Resolution No. 71,501–N.S.
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  
**Action:** Adopted Resolution No. 71,502–N.S.

## 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  
**Action:** Moved to Action Calendar. M/S/C (Arreguin/Hahn) to adopt Resolution No. 71,503–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf (Recused).
- 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  
**Action:** Adopted Resolution No. 71,504–N.S.
- 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  
**Action:** Moved to Action Calendar. M/S/C (Arreguin/Hahn) to adopt Resolution No. 71,505–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf (Recused).
- 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  
**Action:** Adopted Resolution No. 71,506–N.S.

## Consent Calendar

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  
**Action:** Adopted Resolution No. 71,507–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Lunaparra; Absent – Bartlett.
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  
**Action:** Adopted Resolution No. 71,508–N.S.
- 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  
**Action:** Adopted Resolution No. 71,509–N.S.

## 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

**Action:** Adopted Resolution No. 71,510–N.S.

**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

**Action:** Approved recommendation.

**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

**Action:** Adopted Resolution No. 71,511–N.S.

## 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  
**Action:** Adopt first reading of Ordinance No. 7,934–N.S. as revised in Supplemental Communications Packet #2 by Vice-Mayor Wengraf. Second reading scheduled for September 24, 2024.
- 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:** Councilmember Humbert added as a co-sponsor. Approved recommendation.

## 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
- Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Tregub) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Taplin) to adopt Resolution No. 71,512–N.S.  
**Vote:** All Ayes.

Recess 7:19 p.m. – 7:34 p.m.

## 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.

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

## Council Action Items

signage to deter re-encampment.

**Financial Implications:** None

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

Recess 9:35 p.m. – 9:56 p.m.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the council meeting to 11:30 p.m.

**Vote:** All Ayes.

**Action:** M/S/Failed (Hahn/Bartlett) to:

- 1) Direct the City Manager to enforce the current policy for temporary non-commercial items, as written, at the two West Berkeley encampments and any other severely and consistently impacted locations;
- 2) Adopt first reading of the ordinance proposed in the agenda item; and
- 3) Refer to the City Manager the concepts in this item, the comments received from homeless services providers, and the comments of the Council; and request that the City Manager return to Council with a carefully nuanced item, with the effective policy that articulates our affirmative commitments to shelter services and long-term housing; and that provides a clear and more limited set of circumstances, where we might enforce our rules against large and persistent accumulations of materials.

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

**Action:** 85 speakers. M/S/Carried (Kesarwani/Humbert) to:

- 1) Adopt Resolution No. 71,513–N.S. with the Resolved clauses amended to read:

*NOW THEREFORE, BE IT RESOLVED that the City of Berkeley will continue to offer interim housing (generally a shelter offer, with a preference for non-congregate options) when closing encampments, whenever practicable, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government;*

*BE IT FURTHER RESOLVED, in the event that the City Manager determines that cannot make a shelter offer is not practicable, then the City Manager is nonetheless authorized to enforce state and local laws, including the use of citation and arrest, only to address under the following specific circumstances:*

- *The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire 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*

## Council Action Items

- *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.*

*BE IT FURTHER RESOLVED, 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); and/or enforcement through applicable state and local laws-citation and arrest, even if a shelter offer is not practicablecannot be made.*

*BE IT FURTHER RESOLVED, that the City Council determines that the Harrison Corridor (Harrison Street between Ninth and Seventh Streets, including Eighth Street north of Harrison) and the Second and Cedar area (Second Street between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth) meet all six health and safety exceptions as proscribed by the above-stated policy and should therefore be prioritized for enforcement.*

- 2) Adopt first reading of Ordinance No. 7,935–N.S. Second reading scheduled for September 24, 2024.
- 3) Refer to City Manager to draft a public memo to clarify and explain the existing practices of City staff for engagement and outreach to service providers and the encampments prior to any kind of enforcement action that is contemplated in this item.

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

## Information Reports

38. **2024-25 Housing Advisory Commission Work Plan**  
**From: Housing Advisory Commission**  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400  
**Action:** Received and filed.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 11:19 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on September 10, 2024.

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Mark Numainville, City Clerk

## Communications

### **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 5<sup>th</sup> 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. Russbumper

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 Mougovan

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 1**

**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**

- 126. Colleen Yamada
- 127. Tylee Holden
- 128. 9 Similarly-worded form letters

**Supplemental Communications and Reports 2**

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

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

- 129. Janice Thomas
- 130. Michael Kelly on behalf of the Panoramic Hill Association

**Item #34: Amending BMC 7.52.060 to include "Wildfire Hardening" in the Real Property Transfer Tax Exceptions**

- 131. Revised agenda material submitted by Vice Mayor Susan Wengraf

**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**

132. Toni Mester
133. Bobbi Fabian
134. Anne Fletcher
135. Dorothea Dorenz
136. Eric Johnson
137. Cassandra Turgman
138. Scott Robinson
139. Stephanie Baron
140. Bill Berland
141. Xy Indigo Golden
142. Daniel Clancy
143. Maricar Almeda
144. Susan Schwartz, President, Friends of Five Creeks
145. Melissa Matheney
146. Alfred Twu
147. Jared Hammond
148. Asano Fertig and James Apriletti
149. Kasara Mena
150. Josh Jacobs on behalf of the Homeless Services Panel of Experts  
Commission
151. Martin F Guerrero
152. Phillip Sanders
153. Aimee Baldwin
154. Aran Kaufer
155. Dominic Valerian
156. Chris Chase
157. Tim Daniels
158. Janice Schroeder
159. Beverly Libaire
160. Christine U'Ren
161. Scott Abbott
162. Terri Fashing
163. Rick Smith
164. Justin Remais
165. Nora Daly
166. Martha Duncan
167. James Pirie on behalf of Susan Libby
168. Brad Smith
169. David Epstein (2)
170. Douglas Smith
171. Molly Miller
172. Emily Winston
173. Rachel Bradley

174. D. Miller Wise
175. Jeff Fenigstein
176. Diana Bohn
177. Barbara Rydlander
178. Susie Medak
179. Pamela Blair
180. Dr. R. H. Fish
181. Carol Valk
182. Andrea Satir
183. Laura Katz
184. Brian Gilbane
185. Mike Bank
186. John Rice
187. Michael Lewis
188. Susan Frankel and Moshe Maler
189. Nancy Genn
190. Rachel Tobey
191. Alan Block
192. Meryl & Aimee
193. Michele Lawrence
194. Gina Reiger
195. Sandy Simon
196. Dave Kent
197. Norman Postone
198. Varun Paul
199. Thomas Herrmann
200. Peter Levitt
201. Sherry Keith
202. Jo Ann Driscoll
203. Christopher Reiss
204. Jake Teitelbaum
205. Joan Adams
206. Richard Maisel
207. Mark Mueller
208. Dorothea Dorenz
209. Sabyl Landrum
210. 22 Similarly-worded opposing form letters
211. 134 Similarly-worded supporting form letters

### **Supplemental Communications and Reports 3**

**Item #8: City Council Rules of Procedure and Order Revisions (*Reviewed by the Agenda & Rules Committee*)**

212. Kitt Saginor

**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**

213. Sivan Orr
214. Mary Behm-Steinberg
215. Rina Margolin
216. Jack von Euw
217. Fred Krieger
218. Emrad Radek
219. Leigh Stewart
220. J Moore
221. Molly Rosenthal
222. Kevin Jones
223. Julie Greer
224. Sandra Smith
225. Todd Jersey
226. DeAnna Dalton
227. Eric Mason (2)
228. Nancy Rader
229. Jonathan Bachrach
230. Rev. Sophia DeWitt
231. Michael Lonergan
232. Carol Thornton
233. Gib Cattanach
234. Nathaniel Emodi
235. Lee Bishop
236. Claudia Kawczynska
237. Chip Harley
238. Joshua Greene
239. Fatima Espejo
240. Mark Merritt
241. Alan Kiviat
242. Elana Auerbach
243. Ellen Lewis
244. Alison Christiana
245. Chris Hudson
246. Katy Andrews
247. Erica Leverett
248. Jenny Wenk
249. Yesica Prado and Gordon Gilmore on behalf of the Berkeley Homeless Union
250. Ginger Ogle
251. Itamar Landau
252. Jason McGatlin
253. Perry Ko
254. Tatiana Davis
255. Mike Roche
256. Ben Buettner
257. Sam Kaplan Pettus

258. Claudia Benton
259. Juliet Leftwich
260. Susan McKay
261. Joan Wager
262. Carrie Gray
263. Maren Bell
264. Jill McIntire
265. Jorie Heilman
266. Diane Tokugawa
267. Ken Krich
268. Wende Micco and Guy Micco
269. Sylvia
270. Pam Shandrick
271. Tom Attar
272. Elizabeth Pulling
273. David Rosenthal
274. Lynda Caesara
275. Peter DiMaria
276. Lynn Bradley
277. Maria Yates
278. Linda Franklin
279. Veronica King
280. Dan White
281. Jack Kurzweil
282. Jason Gentry
283. Liz Ruhland
284. Josh Buswell-Charkow
285. Matthew Barry
286. Matt Weber
287. Criss Hartzell
288. Cameron Woo
289. Laila Hamidi
290. Becca Freed
291. Karl Knobler
292. Jaime Perkins
293. Olivia deBree
294. Richard Marcus
295. Eva Herzer
296. Rowena Carlson
297. John Niles
298. Barbara
299. Madeline Feingold
300. Laura Cornwall
301. Kristine Dixon
302. Vanessa Moraga
303. Walter Wood

- 304. Robert Girling
- 305. John M. Rea
- 306. Carol Sutton
- 307. Tony Warwick
- 308. Andrew Coggiola
- 309. CC Miksza
- 310. Bhima Sheridan
- 311. Irene Rice (2)
- 312. Irene Brydon
- 313. Martin Nicolaus
- 314. G. Vollmer
- 315. Jacque Ensign
- 316. Francie Shaw
- 317. Kathy Farley
- 318. Stephanie Antalocy
- 319. Chris Hamilton
- 320. Meryl & Aimee
- 321. Rich Walkling
- 322. Erika Shore
- 323. Lucas Woodward
- 324. Sheryl Drinkwater
- 325. Kathy Ritter
- 326. Carol Min
- 327. Ellen Franzen
- 328. Steven Donaldson
- 329. Christine Hayamizu
- 330. Sylvia Soriano
- 331. Christine Mukai
- 332. Lauren Ankersmit
- 333. John Rutherford
- 334. Abbot Foote
- 335. Leonard Gilbert
- 336. Kate Kirkhuff
- 337. Judith Forrest
- 338. Rowyn McDonald
- 339. 14 Similarly worded form letters in support if amended
- 340. 20 Similarly worded form letters to oppose
- 341. 79 Similarly worded form letters in support

**Miscellaneous Communications**

- 342. Eid (4)

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

**Monday, September 16, 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 – 1528 HENRY STREET, BERKELEY, CA 94709

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](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244). All Council meetings are recorded.*

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**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:** 6:26 p.m.

**Present:** Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Taplin

Councilmember Taplin present at 6:37 p.m.

## Report from Closed Session

*Cong v. City of Berkeley – Alameda County Superior Court Case No. 24CV071838*  
Council convened in closed session and gave authority to initiate a cross-complaint in a pending action. The action, the cross-defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

*Fisher v. City of Berkeley, Northern District of California, No. 3:23-cv-4280*  
Council convened in closed session and approved a settlement offer that has been signed by the Plaintiffs. In exchange for the Plaintiffs' dismissal of their lawsuit and release of all claims, the settlement agreement will require the City to adopt changes to its policy relating to the ability of members of city boards and commissions to attend meetings remotely as a reasonable accommodation and pay 58,000 in attorney's fees.

## Action Calendar

- 1. Ashby BART Transit Oriented Development (TOD)**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager and City Attorney to draft and advance for adoption contractual agreements with San Francisco Bay Area Rapid Transit District (BART) in order to effectuate transit-oriented development in accordance with the term sheet attached to the report.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 21 speakers. M/S/C (Arreguin/Bartlett) to adopt Resolution No. 71,514–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
- 2. Presentation: Berkeley-El Cerrito Corridor Access Plan (BECCAP)**  
**From:** City Manager  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 6 speakers. Presentation made and discussion held.

## Adjournment

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

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

Adjourned at 9:58 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on September 16, 2024.

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Mark Numainville, City Clerk

## Communications

- None

### Supplemental Communications and Reports 1

**Item 1: Ashby BART Transit Oriented Development (TOD)**

1. Revised material, submitted by Planning and Development Department

### Supplemental Communications and Reports 2

**Item #1: Ashby BART Transit Oriented Development (TOD)**

2. Christopher Smith

### Supplemental Communications and Reports 3

**Item #1: Ashby BART Transit Oriented Development (TOD)**

3. Presentation submitted by the Planning Department
4. Rev. Sophia DeWitt on behalf of East Bay Housing Organizations
5. Moni Law

**Item #2: Presentation: Berkeley-El Cerrito Corridor Access Plan (BECCAP)**

6. Presentation submitted by the Planning Department

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, SEPTEMBER 16, 2024**

**4:30 P.M.**

SCHOOL DISTRICT BOARD ROOM – 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, BERKELEY, CA 94708  
TELECONFERENCE LOCATION – 1528 HENRY STREET, BERKELEY, CA 94709

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

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## Preliminary Matters

**Roll Call:** 4:35 p.m.

**Present:** Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Taplin

**Public Comment - Limited to items on this agenda only – 9 speakers**

## CLOSED SESSION:

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

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

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

**Action:** M/S/C (Arreguin/Wengraf) to approve a settlement offer that has been signed by the Plaintiffs. In exchange for the Plaintiffs' dismissal of their lawsuit and release of all claims, the settlement agreement will require the City to adopt changes to its policy relating to the ability of members of city boards and commissions to attend meetings remotely as a reasonable accommodation and pay \$58,000 in attorney's fees.

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

- b. *Lina Cong v. City of Berkeley, et al.* Alameda County Superior Court Case No. 24CV071838

**Action:** M/S/C (Hahn/Humbert) to give authority to initiate a cross-complaint in a pending action. The action, the cross-defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

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

### 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8:

Property Address: 3201 Adeline Street, Berkeley CA  
Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works  
Negotiating Parties: City of Berkeley and the Black Repertory Group  
Property Owner: City of Berkeley  
Under Negotiation: Lease Price and Terms

**Action:** No reportable action taken.

### 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8:

Property Address: 2439 Channing Way, Berkeley CA  
Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works  
Negotiating Parties: City of Berkeley and Framers' Workshop  
Property Owner: City of Berkeley  
Under Negotiation: Lease Price and Terms

**Action:** No reportable action taken.

## OPEN SESSION:

*Cong v. City of Berkeley – Alameda County Superior Court Case No. 24CV071838*

Council convened in closed session and gave authority to initiate a cross-complaint in a pending action. The action, the cross-defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

*Fisher v. City of Berkeley, Northern District of California, No. 3:23-cv-4280*

Council convened in closed session and approved a settlement offer that has been signed by the Plaintiffs. In exchange for the Plaintiffs' dismissal of their lawsuit and release of all claims, the settlement agreement will require the City to adopt changes to its policy relating to the ability of members of city boards and commissions to attend meetings remotely as a reasonable accommodation and pay 58,000 in attorney's fees.

## Adjournment

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

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

Adjourned at 6:05 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 16, 2024.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 24, 2024**  
**6:00 PM**

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

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

TELECONFERENCE LOCATION - 125 MICHIGAN AVE NE, WASHINGTON, DC 20017

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

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## Preliminary Matters

**Roll Call:** 6:17 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** None

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

## Ceremonial Matters

1. Recognition of BORP Adaptive Sports Expo on October 5, 2024
2. Recognition of United Against Hate Week, September 25 – 27, 2024
3. Appreciation of Deputy City Manager LaTanya Bellow
4. Welcoming City Manager Paul Buddenhagen

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 9 speakers.

**Public Comment by Employee Unions:** 1 speaker.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 22 speakers.

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

**Vote:** All Ayes.

## Recess Items

- 1. Contract: B-Bros Construction Inc. for Temporary Stabilization of Stair Tower Windows at 2180 Milvia Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the City Manager’s emergency authorization of a contract with B-Bros Construction Inc. to make necessary repairs to the windows in the secondary egress stairwells in 2180 Milvia Street in an amount not to exceed \$400,000.  
**Financial Implications:** See report.  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,515–N.S.

## Consent Calendar

- 2. 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 second reading of Ordinance No. 7,934-N.S. amending Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, by adding Sub-section L, Wildfire Hardening, below Sub-section K, Seismic Upgrades.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.  
**Financial Implications:** None.  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted second reading of Ordinance No. 7,934–N.S.
- 3. 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 second reading of Ordinance No. 7,935-N.S. adopting 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.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Humbert, Arreguin; Noes – Lunaparra; Abstain – None; Absent – None.  
**Financial Implications:** None.  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Adopted second reading of Ordinance No. 7,935–N.S.

## Consent Calendar

- 4. Establish 2025 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2025, with starting times of 6:00 p.m.  
**Financial Implications:** None.  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,516–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 24, 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  
**Action:** Approved recommendation.
- 6. Grant Application: Reconnecting Communities Pilot (RCP) Discretionary Grant Program for the Santa Fe Railroad Trackbed to Park Conversion Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to: submit a grant application in the amount of up to \$5 million to the U.S. Department of Transportation for the Reconnecting Communities Pilot (RCP) Discretionary Grant Program (second round) for the Santa Fe Railroad Trackbed to Park Conversion Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,517–N.S.

## Consent Calendar

7. **Civic Arts Commission Fund Request - Mitigation Fee Nexus Study, Public Art on Private Development Requirement**  
**From: Civic Arts Commission**  
**Recommendation:** The Civic Arts Commission recommends that the City Council allocate \$125,000 in the FY24/25 Budget to fund a nexus study on the existing Public Art on Private Development Requirement (Berkeley Municipal Code 23.316), which was established in 2017. The Civic Arts Commission would like to make changes to the requirement to ensure ongoing support for the arts and culture sector in Berkeley. In order to make any changes to the Public Art on Private Development Requirement, first a nexus study is required by the State of California's Mitigation Fee Act.  
**Financial Implications:** See report.  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
**Action:** Approved recommendation amended to be a referral to the November or June budget process.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Arreguin; Noes – Humbert.

## Council Consent Items

8. **Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$11,632.30 for a new total not to exceed \$347,632.30.  
**Financial Implications:** See report.  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 71,518–N.S.

## Council Consent Calendar

**9. Budget Referral: Independent Consultant to Conduct Analysis of Referring Restaurant Inspections to Alameda County**

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Refer to the November budget process \$100,000 for the City Manager to engage an independent consultant to conduct an analysis that considers feasibility, costs, and benefits of referring food facility inspections to Alameda County, and submit a report with recommendations for Council consideration and potential action as soon as practicable.

The report should consider the following key areas:

- Environmental Health Division staffing, recruitment and retention;
- Costs and staffing resources to develop a new restaurant inspection database that complies with state rules; and
- Costs and staffing resources to develop a restaurant “grading” system, such as those used in Los Angeles County, New York City, or other jurisdictions.

**Financial Implications:** See report.

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

**Action:** Added Councilmembers Humbert and Tregub, and Vice-Mayor Wengraf as co-sponsors. Approved recommendation below as revised below in Supplemental Communications Packet #1.

*Refer to the November budget process \$100,000 for the City Manager to engage an independent consultant to conduct an analysis of the current structure of the Environmental Health Food Inspection Program and provide recommendations for alternative models, staffing levels, and increased use of technology to improve customer service.*

*Specifically, the analysis should consider feasibility, costs, and benefits of referring food facility inspections to Alameda County, and submit a report with recommendations for Council consideration and potential action as soon as practicable.*

*The report should consider the following key areas:*

- *Environmental Health Division staffing, recruitment and retention;*
- *Costs and staffing resources to develop a new restaurant inspection database that complies with state rules; and*
- *Costs and staffing resources to develop a restaurant “grading” system, such as those used in Los Angeles County, New York City, or other jurisdictions.*

## Council Consent Items

10. **Resolution Clarifying the Intent of Measure Y (2024) – Increasing the Parks, Trees and Landscaping Maintenance Tax**  
**From: Councilmember Humbert (Author), Councilmember Taplin (Author), Councilmember Wengraf (Author)**  
**Recommendation:** In order to ensure that voters are fully informed and to inform future discussions of potential expenditures, it is recommended that the Berkeley City Council adopt the following language to clarify (but not change) the intent of Measure Y: The intent of Measure Y is to generate additional funds by increasing the Parks Tax for park and landscape maintenance in the Waterfront including Cesar Chavez (Berkeley's largest park), improvements to Berkeley's urban forest and street tree plantings, and essential park and landscaping related capital projects.  
**Financial Implications:** See report.  
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #1 to remove reference to a resolution.

## Action Calendar – Old Business

11. **City Council Rules of Procedure and Order Revisions** (*Continued from September 10, 2024*)  
**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.  
**Financial Implications:** See report.  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** 3 speakers. M/S/C (Hahn/Tregub) to refer Councilmember Kesarwani's supplemental submission, the Council comments, and the proposed changes in the agenda item to the Agenda & Rules Committee for further review and request that the technical changes be sent back to Council as soon as practical and for the more complex issues to return Council at a later date.  
**Vote:** All Ayes.

## Information Reports

12. **LPO NOD: 2000 Kala Bagai Way, LMSAP2024-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

## Information Reports

13. **LPO NOD: 2227 Parker Street, #LMIN2024-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
14. **LPO NOD: 8 Greenwood Common, #LMSAP2024-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 3 speakers.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:09 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on September 24, 2024.

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Mark Numainville, City Clerk

## Communications

### **Item 7: Civic Arts Commission Fund Request - Mitigation Fee Nexus Study, Public Art on Private Development Requirement**

1. Cameron Woo

### **Demolition of UA Theater**

2. Melanie Lawrence
3. Save the UA Berkeley
4. Anne Weinberger
5. Seven similarly worded form letters

### **Cal Sailing Club and J-Dock at Berkeley Marina**

6. David Fraser
7. Amy Pereira
8. Karen Huie
9. David Fawcett
10. Paul Herzmark
11. Andrew Buck
12. Nelson Carpentier
13. Nick Goyhenetche

- 14. Aradhna Mayalall
- 15. James Fair
- 16. Jeff Lewis
- 17. William Gavelis
- 18. Neeraj DeLima
- 19. Grant Padmos

**Supporting Berkeley Libraries**

- 20. Cathy Brown

**Large Building Fossil Fuel Emissions Tax**

- 21. Anand Patel

**Containers Missed Pickup**

- 22. Peter Kuhn

**TOPA**

- 23. Marcia Edelen
- 24. Summer Brenner

**Ice Cream Truck Generator**

- 25. Dara Pond
- 26. Adrian McGilly

**West Berkeley Concerns**

- 27. Paul Limb

**Zoning Ordinance and Zoning Changes**

- 28. Gabriela Kipnis
- 29. Paula Skene
- 30. Susie Zukor
- 31. Andrea Yankowski
- 32. Susan Collier Thomakos
- 33. Jim Greenberg

**Article Regarding Wildfires**

- 34. Barbara Gilbert

**Concerns Regarding 2070 Martin Luther King Jr Way**

- 35. Bryce Kalousek-Maritano

**Survey About Local Issues**

- 36. Dona Bretherick

**Loud Noises**

- 37. Erwan Illian

**Settlement for Civil Case**

38. Jesse McCaffrey

**Oakland A's Relocation and Current Events**

39. Josh Atwood (5)

**Links to Articles**

40. Vivian Warkentin (2)

41. Erwan Illian

42. Russbumper (5)

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

43. Angela Jernigan

44. Itamar Landau

45. Wendy Greenfield

46. Dorah Rosen

47. Rick Sterling

48. Jennifer S Fechner (3)

49. Sheila Jordan

50. Yuko Matsumoto

51. J Rosenfeld

52. Dorothea Dorenz (2)

53. Joel Biatch

54. Mordechai.netanel

55. Erwan Illian (6)

56. russbumper (16)

57. 399 similarly worded form letters "Let Berkeley's Peace and Justice Commission Work"

58. 4,800 similarly worded form letters "Vote No on Ceasefire Resolution"

**Supplemental Communications and Reports 1**

**Item #9: Budget Referral: Independent Consultant to Conduct Analysis of Referring Restaurant Inspections to Alameda County**

59. Revised agenda material submitted by Councilmember Kesarwani

**Item # 10: Resolution Clarifying the Intent of Measure Y (2024) – Increasing the Parks, Trees and Landscaping Maintenance Tax**

60. Revised agenda material submitted by Councilmember Humbert, Councilmember Taplin, and Councilmember Wengraf

**Supplemental Communications and Reports 2**

**Item #11: City Council Rules of Procedure and Order Revisions (Continued from September 10, 2024)**

61. Revised agenda material submitted by Councilmember Kesarwani

### **Supplemental Communications and Reports 3**

#### **Item #11: City Council Rules of Procedure and Order Revisions (Continued from September 10, 2024)**

62. Presentation submitted by the City Clerk Department

#### **Miscellaneous Communications**

63. Unknown

64. Eid (3)

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
TUESDAY, SEPTEMBER 24, 2024**

**5:00 P.M.**

SCHOOL DISTRICT BOARDROOM – 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, 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.*

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1613914495>. 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: **161 391 4495**. 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](mailto: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:** 5:05 p.m.

**Present:** Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Bartlett, Tregub

Councilmember Taplin present at 5:07 p.m.

Councilmember Kesarwani present at 5:07 p.m.

Councilmember Tregub present at 5:17 p.m.

Councilmember Bartlett present at 5:22 p.m.

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

Councilmember Tregub participated in the meeting pursuant to the just cause exemption of the Brown Act as amended by AB 2449.

## CLOSED SESSION:

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

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

- a.* Significant exposure to litigation pursuant to Gov. Code Section 54956.9(d)(2) related to the proposed development project at 2274 Shattuck Avenue and the City's pending exemption determination under the California Environmental Quality Act.

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:50 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 24, 2024.

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Mark Numainville, City Clerk

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

**Monday, September 30, 2024  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR  
Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – 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](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/1618584419>. 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: **161 858 4419**. 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](mailto:council@berkeleyca.gov).*

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## Preliminary Matters

**Roll Call:** 6:09 p.m.

**Present:** Taplin, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert

**Absent:** Kesarwani, Arreguin

Councilmember Kesarwani present at 6:19 p.m.

Mayor Arreguin present at 7:34 p.m.

## Action Calendar

- 1. Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act** (*Reviewed by the Land Use, Housing, & Economic Development Committee*) (*Item contains revised material*)

**From: Councilmember Harrison (Author)**

**Recommendation:** Adopt Berkeley Municipal Code Chapter 13.89: The Community/Tenant Opportunity to Purchase Act (COPA/TOPA).

*Policy Committee Recommendation: To forward the item to the City Council with a negative recommendation that the City Council not approve the item.*

**Financial Implications:** See report

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

Recess 7:34 p.m. – 7:52 p.m.

**Action:** 58 speakers. M/S/Failed (Tregub/Lunaparra) to refer the Harrison COPA/TOPA policy to the City Manager to conduct an analysis of the fiscal, operational, and administrative impact of the policy. The referral will include analysis of the San Francisco COPA program and other known COPA/TOPA programs that exist or are in development, as well as a review of any other comparable tenant acquisition and ownership programs, and their interface with existing Berkeley tenant protection ordinances. Include a \$100,000 budget referral for staffing for the purpose of completing this analysis.

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

**Action:** 58 speakers. M/S/Carried (Hahn/Tregub) to refer to the City Manager to study and return to Council with recommendations for a program based on San Francisco's COPA and to study additional concepts including but not limited to:

- A potential requirement to offer to “go coop” within a certain number of years of purchase by a qualified non-profit.
- To consider an appropriate threshold where COPA would apply, taking into consideration operational and fiscal realities.
- Report on administration costs and sources of funds to support Small Sites projects.
- Consider potential to provide notice and “right of first refusal” for tenants or groups of tenants to match the best “market” offer.

- Study models other jurisdictions have in place to achieve these tenant acquisition goals.
- Refer \$100,000 to budget process to support the study.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:09 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on September 30, 2024.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: -Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (Reviewed by the Land Use, Housing, & Economic Development Committee) (Item contains revised material)**

1. Revised agenda material submitted by Councilmember Lunaparra and Councilmember Tregub
2. Supplemental agenda material submitted by Councilmember Hahn
3. James Webster
4. Hope Williams
5. Tram Hoang on behalf of PolicyLink
6. Gail Martin (2)
7. Casey Van Veen
8. Jocelyn Goldsmith-De Sena
9. Sheila Goldmacher
10. Linda Burden
11. Carol Curtis

12. Susan Bassein
13. Paula Morgan
14. Mimi Mougovan
15. Gregory Kalkanis
16. Jo Ann Driscoll
17. Michael Trujillo on behalf of East Bay Community Law Center
18. Shaniah Ritzie-Hernandez on behalf of the Alameda Labor Council
19. Andy Kelley
20. S. Omowale Fowles
21. Karla Simmons

### **Supplemental Communications and Reports 3**

**Item #1: -Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (Reviewed by the Land Use, Housing, & Economic Development Committee) (Item contains revised material)**

22. Rev. Sophia DeWitt on behalf of East Bay Housing Organizations
23. Diana
24. Rick Lewis
25. Kathleen Castillo
26. Mary Lai
27. Moni T. Law
28. Jeffrey Melcher
29. Nancy Richerson
30. Mary Canavan
31. Keith Barton
32. Francine Leonard
33. Genevieve Wilson (2)
34. Bhima Sheridan
35. Whitney Sparks
36. Scott and Kathryn E. Hambly
37. Michelle Pellegrin

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, SEPTEMBER 30, 2024**

**4:30 P.M.**

SCHOOL DISTRICT BOARDROOM – 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION – 1404 LE ROY AVENUE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

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DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 4:35 p.m.

**Present:** Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Bartlett, Tregub

Councilmember Tregub present at 4:39 p.m.

Councilmember Taplin present at 4:41 p.m.

Councilmember Bartlett present at 5:08 p.m.

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

Councilmember Taplin participated in the meeting remotely in the meeting under the just cause exception in the Brown Act as amended by AB 2449.

## CLOSED SESSION:

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

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

*a. WCAB #1 ADJ19391581, ADJ15774154*

**Action:** M/S/C (Arreguin/Tregub) to authorize the City Manager to settle by a stipulated Award of permanent disability with an award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ19391581 and ADJ15774154.

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

*b. WCAB #2 ADJ11251943, ADJ14359848, ADJ19087904*

**Action:** M/S/C (Arreguin/Tregub) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ11251943, ADJ14359848 and ADJ19087904.

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

*c. WCAB #3 ADJ15258918, ADJ15259424*

**Action:** M/S/C (Hahn/Arreguin) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ15258918 and ADJ15259424.

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

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8**

Property Address: 2431 Channing Way, Berkeley CA and 2425a Channing Way  
Agency Negotiators: Paul Buddenhagen, City Manager's Office; Dionne Early, Public Works  
Negotiating Parties: City of Berkeley and Dorothy Day House d.b.a Dorothy's Closet  
Property Owner: City of Berkeley  
Under Negotiation: Lease Price and Terms

**Action:** No reportable action taken.

**OPEN SESSION:**

City Council met in closed session on September 30, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ19391581 and ADJ15774154.

City Council met in closed session on September 30, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ11251943, ADJ14359848 and ADJ19087904.

City Council met in closed session on September 30, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: ADJ15258918 and ADJ15259424.

**Adjournment**

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

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

Adjourned at 5:21 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 30, 2024.

Mark Numainville, City Clerk