



Office of the City Manager

CONSENT CALENDAR
December 10, 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 November 8, 2024 (closed), November 12, 2024 (regular), November 15, 2024 (closed), November 18, 2024 (special), November 19, 2024 (closed and regular).

CONTACT PERSON

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

Attachments:

1. November 8, 2024 – Special Closed City Council Meeting
2. November 12, 2024 – Regular City Council Meeting
3. November 15, 2024 – Special Closed City Council Meeting
4. November 18, 2024 – Special City Council Meeting
5. November 19, 2024 – Special Closed City Council Meeting
6. November 19, 2024 – Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES
FRIDAY, NOVEMBER 8, 2024
3:30 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
TELECONFERENCE LOCATION - 4545 LAGUNA SPRINGS DR, STE 200,
ELK GROVE, CA 95758

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/1618875706>. 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: **161 887 5706**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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

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

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

Preliminary Matters

Roll Call: 3:35 p.m.

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

Absent: Taplin, Bartlett

Councilmember Bartlett present at 3:52 p.m.

Public Comment - Limited to items on this agenda only – 31 speakers

CLOSED SESSION:

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

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

Property Address: 2113-2115 Kittredge Street, Berkeley CA
Agency Negotiators: Paul Buddenhagen, City Manager, Henry Oyekanmi, Director of Finance
Negotiating Parties: City of Berkeley, California Theater Consortium, and Gilbane Development Company dba 2115 Kittredge Street, LLC
Property Owner: Robin Lent
Under Negotiation: Price and Terms

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:50 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council special closed session meeting held on November 8, 2024.

Neetu Salwan, Assistant City Clerk

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

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

TELECONFERENCE LOCATION -1600 S. DISNEYLAND DRIVE, ANAHEIM, CA 92802

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: 6:09 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 Ray Yep, City of Berkeley Transportation and Infrastructure Commissioner
2. Adjourned in Memory of Joseph (Joe) Panicali, Physician and Community Volunteer

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions (first regular meeting of the month): 2 speakers.

Action: M/S/C (Arreguin/Tregub) to accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Excused Absence for Councilmember Hahn. Added to the Consent Calendar.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Excused Absence for Councilmember Hahn

From: Mayor Arreguin (Author)

Recommendation: Excuse Councilmember Sophie Hahn from the October 29, 2024 Council meeting due to illness.

Financial Implications: None

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

Action: Approved recommendation.

1. Cooperative Agreement with East Bay Regional Parks District

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with East Bay Regional Parks District from October 15, 2024, to October 14, 2029, to collaborate to manage free-roaming cat populations in East Bay Parks, educate the public, and minimize the impact on sensitive wildlife areas.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,560–N.S.

2. Amendment to Contract No. 108410-1: Paw Fund for Spay and Neuter Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Paw Fund (Contract #108410-1) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2025, increasing the contract amount by \$10,000 for a new total contract amount not to exceed \$144,466 and extending the term of the contract to October 31, 2026.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,561–N.S.

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

From: City Manager

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

Financial Implications: Various Funds - \$10,200,000

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

Action: Approved recommendation.

Council Consent Items

4. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Fund - \$500

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

Action: Adopted Resolution No. 71,562–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Vice-Mayor Wengraf - \$500; Councilmember Taplin - \$500; Councilmember Hahn - \$500; Councilmember Tregub - \$100; Councilmember Humbert - \$500; Councilmember Kesarwani - \$100; Councilmember Bartlett - \$250; Councilmember Lunaparra - \$200.

5. Budget Referral Funding South Cove Seawall Design Project

From: Councilmember Taplin (Author)

Recommendation: Refer to the November 2024 AAO#1 budget process \$250,000 for the funding of the South Cove Seawall Design Project.

Financial Implications: See report

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

Action: Approved recommendation.

6. Budget Referral Funding F and G Dock Deck Replacement

From: Councilmember Taplin (Author)

Recommendation: Refer to the November 2024 AAO#1 budget process \$500,000 for the funding of F and G dock deck replacement.

Financial Implications: See report

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

Action: Approved recommendation.

7. Budget Referral Funding Afterschool Program Expansion

From: Councilmember Taplin (Author)

Recommendation: Refer to the November 2024 AAO#1 budget process \$300,000 to fund afterschool program expansion.

Financial Implications: See report

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

Action: Approved recommendation.

Council Consent Items

- 8. Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street**
From: Councilmember Tregub (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$50,000 to the November 2024 AAO #1 budget process for one-time funding for a traffic study and pedestrian safety operations at the pedestrian crossing on Shattuck Avenue at Delaware Street with the aim to significantly improve safety for all residents. If any funds remain after the study is conducted, direct the remainder of the funds towards designing and implementing safety measures at this crosswalk.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Tregub to read as follows: *Refer \$125,000 to the November 2024 AAO #1 budget process for one-time funding for safety improvements and inspections at the pedestrian crossing on Shattuck Avenue at Delaware Street with the aim to significantly improve safety for all residents. If any funds remain after the study is conducted, direct the remainder of the funds towards repaving or pavement rehabilitation work at this crosswalk.*
- 9. Budget Referral: One-Time \$30,000 Funding to Install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way**
From: Councilmember Tregub (Author)
Recommendation: Refer \$30,000 to the November 2024 AAO#1 budget process for one-time funding to install an Accessible Pedestrian Signal (APS) at Allston Way and Sacramento Street Intersection.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Tregub.
- 10. Budget Referral and Technical Support for the Berkeley Art Center**
From: Councilmember Hahn (Author)
Recommendation: Direct the City Manager to support the Berkeley Art Center (BAC) during a time of financial crisis with technical assistance and other resources at the City's disposal, and to work with BAC to develop a long-term plan for viability. Refer to the November Budget Process a one-time emergency grant of \$100,000 for the Berkeley Art Center, pending review of the organization's current financial status and plans for long-term recovery by the City's Economic Development and Civic Arts team.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Approved recommendation.

Council Consent Items

- 11. Referral to the November 2024 AAO1 Budget Process for \$150,000 to Create a Five-Year Sustainable and Comprehensive Recovery Plan for the Arts and Culture Sector in Berkeley**
From: Councilmember Wengraf (Author)
Recommendation: Referral to the November 2024 AAO1 Budget Process for \$150,000 to engage a consultant to develop a multi-year comprehensive road map to support, maintain and sustain a resilient Arts and Culture sector in Berkeley. The results of this plan will be critical to guiding and informing discussion and consideration of a ballot measure in support of the Arts in 2026.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Added Councilmember Lunaparra as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #1 from Vice Mayor Wengraf to add Councilmembers Hahn and Tregub as co-sponsors.
- 12. Referral to the November 2024 AAO1 Budget Process for \$250,000 for the design and planning for replacement of play structures and ADA access improvements at Glendale La Loma Park**
From: Councilmember Wengraf (Author)
Recommendation: Referral to the November 2024 AAO1 Budget Process for \$250,000 for design and planning for replacement of play structures and design of ADA access in Glendale La Loma Park.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Approved recommendation.
- 13. Budget Referral: Create a City park at Parkside Drive terminus median**
From: Councilmember Humbert (Author)
Recommendation: Refer \$150,000 to the November 2024 AAO#1 budget process for consultants, conceptual design, and public engagement for converting the median informally known as "Round Park" (and possibly other nearby medians) to an official City park. Longer-term improvements could include but are not limited to ADA access, fencing, improved landscaping, and signage and would be funded separately.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Approved recommendation.

Council Consent Items

14. **Budget Referral: One-time \$70,000 bridge funding to the Bread Project**
From: Councilmember Humbert (Author), Councilmember Tregub (Author)
Recommendation: Refer \$70,000 to the November 2024 AAO#1 budget process for one-time bridge funding for the Bread Project, a Berkeley non-profit that provides job training (with an emphasis on culinary work) and soft skills development for economically disadvantaged and systems-impacted individuals.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Added Councilmembers Bartlett and Kesarwani as co-sponsors. Approved recommendation.

Action Calendar – Public Hearings

15. **Contract: Ava Community Energy for Energy Resilient Critical Municipal Facilities “Solar + Storage”**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution authorizing the City Manager to negotiate and execute a Power Purchase Agreement (PPA) contract and any amendments, extensions, or change orders with Ava Community Energy, to install solar and battery back-up storage systems at critical municipal facilities.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Vice-Mayor opened the public hearing. 2 speakers. M/S/C (Taplin/Hahn) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Tregub/Humbert) to adopt Resolution No. 71,563–N.S.
Vote: All Ayes.

Action Calendar – Old Business

16. **Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants** *(Continued from October 15, 2024)*
From: Mayor Arreguin (Author)
Recommendation: Adopt a first reading of an Ordinance amending Berkeley Municipal Code Section 9.04.165 to exempt the taxation of business gross receipts relating to government and philanthropic research and development grants in the public interest.
Financial Implications: See report.
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: 23 speakers. Councilmembers Humbert and Tregub added as a co-sponsors. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,937–N.S. Second reading scheduled for December 3, 2024.
Vote: All Ayes.

Action Calendar – New Business

17. **Pursuant to Chapter 2.99 of the Berkeley Municipal Code Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS)**

From: City Manager

Recommendation: Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS).

Financial Implications: None.

Contact: Jennifer Louis, Police, (510) 981-5900, Terrance Davis, Public Works, (510) 981-6300

Action: Moved Item 17 to the Consent Calendar. Approved recommendation.

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

- 18a. **Resolution Opposing the Criminalization of Poverty and Homelessness**

From: Peace and Justice Commission

Recommendation: Adopt a resolution that the City of Berkeley Council opposing the criminalization of poverty and homelessness including:

City of Berkeley will continue to operate under the framework of *Martin v. Boise*, as permitted under the recent Supreme Court decision in *Grants Pass v. Johnson*, and refrain from any criminalization or effective prohibition of sleeping while unhoused, including citation or arrest simply for sleeping outside if no adequate shelter is available, without precluding enforcement of laws banning actions that threaten the health and safety of the whole community.

The City of Berkeley shall strengthen its commitment to connecting unhoused people with vital services including adequate short-term shelter and regional permanent supportive housing solutions.

Financial Implications: None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action Calendar – New Business

18b. Companion Report: Resolution Opposing the Criminalization of Poverty and Homelessness

From: City Manager

Recommendation: The City Council has already adopted an encampment policy that is consistent with the Commission's resolution by adopting the amended September 10, 2024 item, "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code." Therefore there is no need to take any action on the Peace and Justice Commission's resolution and the City Manager recommends taking no action.

Financial Implications: None

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

Action: Moved Items 18a and 18b to the Consent Calendar to take no action on Item 18a and approve the recommendation of 18b.

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

Information Reports

19. Civic Arts Commission Final FY25 Work Plan

From: Civic Arts Commission

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Received and filed.

20. Fiscal Year 2025 Public Art Budget

From: Civic Arts Commission

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action: Received and filed.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:17 p.m.

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

Rose Thomsen, Deputy City Clerk

Communications

Item #8: Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street

1. Annetta Lipman
2. Wahid Amiri

Item #16: Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants (*Continued from October 15, 2024*)

3. Lynn Sherrell

Item #18a: Resolution Opposing the Criminalization of Poverty and Homelessness

4. Erika Shore (2)
5. Cassandra Turgman (2)

Council Emails

6. Ace Stratton

Safety Concerns

7. Jacques Watteyne
8. Ellen Archilla
9. Penny Barron

Middle East Conflict

10. Summer Brenner
11. Gail Shay
12. Kelly Hammargren
13. Sarah Rahimi
14. Ilana Pearlman

Missing Middle/Upzoning

15. Cordula Didier (2)
16. Steven M. Lipson
17. Victoria Kahn (2)
18. Claire Kahane
19. Mari Kalishock and Eric Bishop
20. David Rice
21. Mel Law (2)
22. Dr. A. Boersma
23. Rachel Bradley
24. Carol and Bruce Feldman
25. Susan Rook-Thomas
26. James Loza
27. Lincoln Smith

28. Stephen Born (2)
29. Marjorie Winter
30. Fred Krieger
31. Theo Posselt
32. Sarah Deeds
33. Paula Morgan
34. Vicki Sommer
35. Andrea Yankowski
36. Barbara Rydlander
37. Peter Samis
38. Melanie Lawrence and John Smail
39. Summer Brenner
40. Beryl Slevin
41. Jason Warriner
42. Chris Gilbert
43. Carol Hirth
44. Jenny Johnston
45. Dorothea Dorenz
46. Heike Helmer
47. Jack Kurzweil
48. Willie Phillips
49. Rena Rickles
50. Judy Bertelsen (4)
51. Kate H Consulting (2)
52. Michael K.

Parkside Drive

53. Carl Martineau

Parking Stickers

54. Elizabeth Arenas

Housing Situation Concern

55. Jonny Ruel

Ballot Concerns

56. Anonymous concerned voter
57. Dorothea Dorenz

Berkeley Public Eye

58. Bernard

First Year Free

59. June and Robert Safran
60. Betsy Bigelow-Teller
61. Marni Welch

California Energy Commission

62. Elsa M. Beljean

La Pena Cultural Center

63. Luis Medina

Injury Concern

64. Max Ventura

Encampment Concerns

65. Susan Schwartz (2)

66. Diana Bohn

Construction Permit Concern

67. Unknown

BrasArte

68. BrasArte Board Members

Tax Concern

69. Barbara Gilbert

Musical

70. Jamie Greenblatt

Newsletters

71. Vivian Warkentin (2)

URL's

72. Russbumper (2)

73. Josh Atwood (4)

74. Keith Bayne

Forwards of Current Events

75. Josh Atwood (3)

76. Eid (6)

Supplemental Communications and Reports 1

Urgent Item: Excused Absence for Councilmember Hahn

77. Mayor Jesse Arreguin

Item #5: Referral to the November FY 2025 AAO1 Budget Process for \$150,000 to Create a Five-Year Sustainable and Comprehensive Recovery Plan for the Arts and Culture Sector in Berkeley

78. Revised agenda material submitted by Vice Mayor Susan Wengraf

Supplemental Communications and Reports 2

Item #8: Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street

79. Revised material submitted by Councilmember Igor Tregub

Item #9: Budget Referral: One-Time \$30,000 Funding to Install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way

80. Revised material submitted by Councilmember Igor Tregub

Item #16: Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants (Continued from October 15, 2024)

81. Janice Murota, Ruth White, Esther Lerman and Robert Kinosian

82. Janice Murota, Robert Kinosian, Ruth White, Marguerite Lee, Leslie Sakai, Joan King Angell, Mary Frank, Victoria Parraga, Ragna Boynton, Kamala Visweswaran, Linda Skory, Johanna Clark, Ann Goldman, Diane Kanegae and Lorraine Lerman

83. Kelly Hammargren

84. Beth Roessner

85. Chris Eiben, Perlumi (2)

86. Joshua Yang

87. Wesley M. Jackson, Valitor

88. Melanie Cohn, Biocom California

89. Amanda Stiles

90. Xander Shapiro

91. Beth Zotter

92. Jill Fuss, Activate

93. Rachel Bradley

94. Kitt Saginor

95. Mary Oram

96. Berkeley Neighborhoods Council

97. Nancy Rader

98. Donna DeDiemar

99. Ellen Barth

100. David Brandon

101. Christopher Kroll

102. Drew Lilley

103. Vincent Casalaina

Item #18a: Resolution Opposing the Criminalization of Poverty and Homelessness

104. James Brook

Supplemental Communications and Reports 3

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES
FRIDAY, NOVEMBER 15, 2024**

4:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

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DISTRICT 8 – MARK HUMBERT

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*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1612632307>. 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: **161 263 2307**. 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.*

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Preliminary Matters

Roll Call: 4:11 p.m.

Present: Kesarwani, Taplin, Bartlett, Lunaparra, Humbert, Arreguin

Absent: Tregub, Hahn, Wengraf

Councilmember Tregub present at 4:33 p.m.

Councilmember Hahn present at 4:33 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Paul Buddenhagen, City Manager, LaTanya Bellow, Deputy 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 – Kesarwani, Taplin, Bartlett, Tregub, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Adjourned at 5:21 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed session meeting held on November 15, 2024.

Mark Numainville, City Clerk

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

**Monday, November 18, 2024
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – 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/1600846103>. 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: 160 084 6103**. 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.*

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Preliminary Matters

Roll Call: 6:09 p.m.

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

Absent: Arreguin

Councilmember Hahn participated remotely pursuant to the just cause provisions of the Brown Act as amended by AB 2449.

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item.

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

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

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

1. **Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area**

From: City Manager

Recommendation: Provide feedback and direction on how to proceed with the Waterfront Specific Plan process.

Financial Implications: None

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

Action: 22 speakers. M/S/C (Taplin/Kesarwani) to provide direction to staff to 1) complete the parking study; 2) prepare a nature and recreation-based conceptual plan for Caesar Chavez Park; 3) proceed with the EIR with the highest development scenario; and 4) return to Council with the revised Specific Plan and certification of the EIR.

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

Adjournment

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

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

Adjourned at 8:25 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on November 18, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area

1. Martin Nicolaus
2. Camille Antinori
3. Roger Miller, Parks, Recreation, and Waterfront Commission
4. Paul Kamen
5. Gordon Stout (3)
6. Rachel Bradley
7. Virginia Browning (2)
8. Sally Tobin

Supplemental Communications and Reports 3

Item #1: Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area

9. Presentation submitted by the Parks and Recreation Department
10. Doug Yamamoto
11. Heike Helmer

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, NOVEMBER 19, 2024

4:00 P.M.

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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Preliminary Matters

Roll Call: 4:15 p.m.

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

Absent: Kesarwani, Tregub

Councilmember Tregub present at 4:16 p.m.

Councilmember Kesarwani present at 4:22 p.m.

Public Comment - Limited to items on this agenda only – 11 speakers

CLOSED SESSION:

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

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

a. WCAB Matter #ADJ16181002 and Claim # BER2200087

Action: M/S/C (Arreguin/Tregub) to provide directions to outside counsel and approve 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 #BER2200087 and a WCAB Case Number ADJ16181002.

Vote: All Ayes.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1):

a. DS Properties 17 LP v. City of Berkeley, Alameda Superior Court, Case No. 23CV038353

Action: Item 2.a. removed from the agenda.

b. Prado, et al. v. City of Berkeley, USDC Case No. 3:23-cv-04537-EMD, in the US District Court for the Northern District of California.

Action: No reportable action taken.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Paul Buddenhagen, City Manager, LaTanya Bellow, Deputy 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.

4. 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.

OPEN SESSION:

The City Council met in closed session on November 19, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided directions 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 #BER2200087 and a WCAB Case Number ADJ16181002.

Adjournment

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

Vote: All Ayes.

Adjourned at 7:01 p.m.

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

Mark Numainville, City Clerk

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

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 7:07 p.m.

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

Absent: None

Report from Closed Session:

The City Council met in closed session on November 19, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided directions 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 #BER2200087 and a WCAB Case Number ADJ16181002.

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. Adjourned in Memory of Ben Brown, Berkeley Resident
2. Recognition of Outgoing Mayor Jesse Arreguin and Vice-Mayor Susan Wengraf

City Auditor Comments:

The City Auditor recognized Mayor Arreguin and Vice-Mayor Wengraf for their many years of service to the City of Berkeley.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

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

Vote: All Ayes.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of October 1, 2024 (regular), October 15, 2024 (regular), October 21, 2024 (closed), October 29, 2024 (special and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

2. 2024 Annual Commission Attendance and Meeting Frequency Report

From: City Manager

Recommendation: In accordance with Resolution No. 71,109-N.S., review and accept the 2024 Annual Commission Attendance and Meeting Frequency Report.

Financial Implications: None

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

Action: Approved recommendation.

3. Contract: Dorothy Day House to Operate Interim Housing at the Howard Johnson Motel

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Dorothy Day House to operate an interim housing program at the Howard Johnson Motel (1619 University Ave.) in an amount not to exceed \$5,313,826.28 for the period of November 12, 2024 to December 31, 2028.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,564–N.S.

4. Encampment Resolution Funding Round 3 Grant Award

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive a \$5,395,637.04 Encampment Resolution Funding Round 3 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,565–N.S.

Consent Calendar

- 5. Urgency Ordinance for Leasing the Real Property at 1512 University Avenue**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 1512 University Avenue, Berkeley for a term of 48 months.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Adopted Urgency Ordinance No. 7,938–N.S.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 19, 2024**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 7. Contract: Royal for Mental Health Ambulance Transport Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Royal Ambulance (Contractor) to provide the following mental health related transport services for the City from January 1, 2025 to December 31, 2027, in an amount up to \$6,000,000, with an option to extend for three additional years in one-year increments, for a total contract amount not to exceed \$12,000,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,566–N.S.
- 8. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit (SCU) Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$40,000 for a not-to-exceed total contract amount of \$290,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,567–N.S.

Consent Calendar

- 9. Request for Proposals for Housing Trust Fund Rehabilitation Projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to release a Request for Proposals (RFP) for approximately \$6 million in Housing Trust Fund (HTF) program funds to support the rehabilitation of existing affordable rental housing developments in the City's HTF portfolio, to certify Community Housing Development Organizations (CHDO), and to award CHDO operating support.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,568–N.S.
- 10. Revenue Contract: 2025 Community Services Block Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to accept the 2025 Community Services Block Grant (CSBG) to provide services for low-income people for the period January 1, 2025 to April 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,569–N.S.
- 11. Contract No. 112798-1 Amendment: Geographic Technologies Group for Geographic Information System (GIS) Strategic Workplan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-1 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) professional services, for a total not to exceed \$50,000 and for a total contract value of \$549,411 from September 14, 2016 to June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,570–N.S.
- 12. Exclusive Negotiating Agreement with TSA Holdings, LLC, for the Property at 199 Seawall Drive**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute an Exclusive Negotiating Agreement (ENA) with TSA Holdings, LLC (TSA) to develop a lease agreement for the lease of City property at 199 Seawall Drive.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,571–N.S.

Consent Calendar

- 13. Ashby BART Transit Oriented Development (TOD) Legal Agreements**
From: City Manager
Recommendation: Adopt first reading of an Ordinance that:
1. Authorizes the City Manager to execute contractual agreements with San Francisco Bay Area Rapid Transit District (BART) in order to effectuate transit-oriented development in accordance with the nonbinding term sheet adopted by Council on September 16, 2024 (Resolution No. 71,514-N.S.) and executed by the City and BART on September 21, 2024; and
2. Adopts the Addendum to the Ashby and North Berkeley BART Stations Transit Oriented Development (TOD) Zoning Project EIR and the Adeline Corridor Specific Plan EIR.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted first reading of Ordinance No. 7,939–N.S. as revised in Supplemental Communications Packet #1 and #2 from the City Manager. Second reading scheduled for December 3, 2024.
- 14. Contract: Nema Construction for FY 2023 Street Light Maintenance Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 24-11668-C; 2. Accepting the bid of the lowest, responsive and responsible bidder, Nema Construction; 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project, in accordance with the approved plans and specifications, in an amount not to exceed \$424,465.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,572–N.S.
- 15. Contract: Sposeto Engineering, Inc. for Southwest Berkeley Bikeway and Bus Stop Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution, as a condition of receiving grant funding from the State of California Affordable Housing and Sustainable Communities (AHSC) program: 1. Approving plans and specifications for the Southwest Berkeley Bikeway and Bus Stop Improvements Project (“Project”), Specification Nos. 24-11640-C & 24-11666-C; 2. Accepting the bid of Sposeto Engineering, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Sposeto Engineering, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$2,390,000, which includes a 10 percent contingency for unforeseen circumstances.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,573–N.S.

Consent Calendar

- 16. Contract: Telegraph-Channing Parking Garage Restroom Renovation & Elevator Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution:1. Approving plans and specifications for Telegraph-Channing Parking Garage Restroom Renovation & Elevator Improvements Project (Project), Specification No. 22-11535-C; and 2. Accepting the bid of W.E. Lyons Construction Co. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed \$2,413,689, which includes a contingency of \$314,829.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,574–N.S.
- 17. Contract No. 10413C Amendment: LAZ Parking LLC for Managing City-Owned Off-Street Parking Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10413C with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street garages, extending the term to December 31, 2026 and increasing the contract amount by \$6,073,974 for a total not-to-exceed amount of \$22,326,349.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,575–N.S.
- 18. Contract No. 31900036 Amendment: On-Call Civil Engineering Services, Bellecci & Associates, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900036 with Bellecci & Associates, Inc. for on-call civil engineering services, increasing the contract amount by \$750,000 for a total not-to-exceed the amount of \$1,750,000 and extending the term of the contract to June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,576–N.S.

Consent Calendar

19. **Contract No. 31900162 Amendment: Pride Industries, Inc. Contract for Custodial Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900162 with Pride Industries, Inc. for citywide custodial services to: Approve additional appropriations related for performance of this contract and coverage of the Living Wage Ordinance in the amount of \$1,100,000 for a total not-to-exceed amount of \$6,225,735 which includes updated service rates for Year 6 of the agreement.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,577–N.S.
20. **Contract No. 32000179 Amendment: Allied Universal Security Service for Citywide Unarmed Security Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of \$900,000 for a new total not to exceed \$4,450,000 and extend the contract through February 28, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,578–N.S.
21. **Contract No. 32300177 Amendment: Baker Tilly for On-Call Professional Development Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300177 with Baker Tilly, increasing the contract by \$100,000 for consulting services in a total amount not to exceed \$125,000, with a contract end date of December 31, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,579–N.S.

Consent Calendar

- 22. Appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt two Resolutions approving the recommendation for appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission both as representatives of the Special Interest Category, Consumer. Maria Sol's 3-year term will begin on November 20, 2024 and end on November 19, 2027. Ashley Gu's 3-year term will begin on November 20, 2024 and end on November 19, 2027.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 71,580–N.S. (Appoint Maria Sol) and Resolution No. 71,581–N.S. (Appoint Ashley (Jiahao) Gu).

Council Consent Items

- 23. Exploring the Formation of Joint Powers Authority (JPA) or other entity to Publicly Finance the Development of a Hospital to Meet Regional Healthcare Needs**
From: Mayor Arreguin (Author), Councilmember Hahn (Author)
Recommendation: 1. Direct the City Manager and City Attorney to explore establishing legal and financial structures, such as a Joint Powers Authority (JPA) or Hospital District, with relevant East Bay jurisdictions, to facilitate public financing for a full service public acute and emergency care hospital serving Berkeley and the greater East Bay. 2. Authorize the City Manager and City Attorney to engage staff or consultants as needed, and submit further budget requests if additional resources are required.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Bartlett and Humbert added as co-sponsors. Item 23 referred to the Health, Life Enrichment, Equity & Community Committee for analysis.
- 24. Referral to City Manager: Equity for Black Berkeley (E4BB) Initiative**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution, recognizing the vision and goals of the Equity for Black Berkeley (E4BB, previously referred to as EBB), historicizing the work that has been completed to date, recognizing the current and past City staff and external stakeholders involved with E4BB, and maintaining E4BB as a priority of the City.
Refer to the City Manager the following actions to be taken:
1. Establish a representative for E4BB (the "E4BB Representative") with the following responsibilities: a. Represent the City's interests when relating to matters of the E4BB initiative; b. Liaise between City officials and external partners and parties associated with E4BB; c. Draft policies that advance the work aligned with vision and goals of E4BB in connection with the Mayor's Office and other legislators within the City and across jurisdictions and agencies, as needed; d. Oversee and coordinate the implementation of work related to E4BB across the City and with external

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stakeholders, providing updates to the Mayor's Office, as appropriate; and e. Pursue internal and external resources and funding opportunities to advance the work of E4BB in the near- (1-2 years) and long-term (3+ years).

2. Determine the appropriate staffing and financial resources needed to monitor and communicate the implementation of the following existing and future projects and policies related to E4BB with the E4BB Representative: a. Implementation of Ashby BART TOD; b. Data collection and analysis of the impact of the Preference Policy; c. Implementation of Housing Element, with particular attention in identifying priorities sites for expanding the efficacy of the Preference Policy and what unmet needs may be invested in through the establishment of a non-governmental organization outside of the City; d. Improvements to establish cultural vibrancy and accessibility in South Berkeley, creating recommendations for what potential EIFD funds can be used towards; e. Growth opportunities to expand the economic viability of small businesses and commerce in the South Berkeley area, including support to sustain and grow the success of the Berkeley Flea Market; f. Facilitating the intersection of the African American Holistic Resource Center (AAHRC) with relevant work in South Berkeley, particularly the new Ashby TOD residents and EFID related projects; g. Management of financing, expenditures, and balance sheets received by the City related to E4BB including but not limited to grants, City investments from the General Fund, and an EIFD fund; h. Legal representation and support with negotiations, contracts, and MOUs with outside jurisdictions, external E4BB partners, and internal discussions of authority and governance; and i. Provide 1) supervision of an unpaid staff person offered by the Partnership for the Bay's Future (PBF) grant program (should the City of Berkeley become selected as a government host site) and 2) communication on the progress and connection of projects relating to E4BB including but not limited to the Ashby BART TOD, Black Arts and Cultural District, Small Sites, EIFD, Black Health Equity Zone, Berkeley Flea Market and AAHRC.

3. With assistance from the E4BB representative, create a template MOU to be drafted and circulated with outside groups engaged in E4BB, including, but not limited to: a. Berkeley Flea Market; b. Healthy Black Families; c. San Francisco Foundation; and d. External Consultants (Ndidi Love, Randolph Belle aka Creative Development Partners, communications experts, etc).

4. Work with the E4BB Representative to pursue additional external and internal investments to help with creating a non-governmental organization to manage a community investment fund beyond 2026 and transition the work of E4BB to be managed within this entity.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,582–N.S. and approved recommendation.

Action Calendar – New Business

25. Amendment: FY 2025 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,926–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2024 funding and other adjustments authorized since July 1, 2024.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,940–N.S. as revised in Supplemental Communications Packet #2 from the City Manager and further amended to add a \$150,000 allocation to create a park at the Parkside Drive terminus median. Second reading scheduled for December 3, 2024.

26. Amendments to BMC Chapter 22.16, Development Agreement Procedures

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending BMC Chapter 22.16, “Development Agreement Procedures.”

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,941–N.S. Second reading scheduled for December 3, 2024.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:29 p.m.

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

Mark Numainville, City Clerk

Communications

Item #4: Encampment Resolution Funding Round 3 Grant Award

1. Yesica Prado and Gordon Gilmore on behalf of the Berkeley Homeless Union

Cordornices Creek

2. Friends of Five Creeks

3. Peter Radu

Road Paving on Virginia St.

4. Tiana Robinson

Fair Contract

5. Gwen Weinreich
6. Sabina McMurtry
7. Larry Snyder
8. Kevin Sun

Safety Concerns

9. Leah Shelleda

Encampment Requests

10. Robb M. Walker

Middle East Conflict

11. Matt O'Brien

Traffic Study

12. Tim Hassler

Street Sweeping/Construction Conflict

13. Jesse Sheehan
14. UC Berkeley Capital Strategies
15. Scott Salas

Waterfront Concern

16. Louise Rafkin

Housing Concern

17. Ann Marie Davis (2)

Merchant Parking Costs

18. Evan McDonald

Parking Study

19. Gordon Stout

Upzoning

20. Vincent Casalaina
21. Vicki Sommer
22. Janice Schroeder
23. Carol Hirth
24. Mary Ann Gallagher
25. Chris Gilbert

- 26. Christopher Riess
- 27. Bernard Marszalek
- 28. John Rice
- 29. 44 Similarly worded form letters

URL's

- 30. Russbumper (2)
- 31. Josh Atwood
- 32. Keith Bayne (2)

Forwards of Current Events

- 33. Eid (3)
- 34. Russbumper
- 35. David L. Axelrod

Supplemental Communications and Reports 1

Item #13: Ashby BART Transit Oriented Development (TOD) Legal Agreements

- 36. Revised agenda material submitted by the Planning and Development Department

Supplemental Communications and Reports 2

Item #13: Ashby BART Transit Oriented Development (TOD) Legal Agreements

- 37. Revised agenda material submitted by the Planning and Development Department

Item #16: Contract: Telegraph-Channing Parking Garage Restroom Renovation & Elevator Improvements Project

- 38. Alex Knox

Item #25: Amendment: FY 2025 Annual Appropriations Ordinance

- 39. Revised agenda material submitted by the Budget Office

Supplemental Communications and Reports 3

Item #23: Exploring the Formation of Joint Powers Authority (JPA) or other entity to Publicly Finance the Development of a Hospital to Meet Regional Healthcare Needs

- 40. Andy Katz

Item #24: Referral to City Manager: Equity for Black Berkeley (E4BB) Initiative

- 41. Barbara Gilbert

Item #25: Amendment: FY 2025 Annual Appropriations Ordinance

- 42. Presentation submitted by the City Manager's Office

Item #26: Amendments to BMC Chapter 22.16, Development Agreement Procedures

- 43. Presentation submitted by the Planning Department

Referral to City Manager – Relocation Agreement with Becker Boards, LLC

- 44. Emily Seelenfreund
- 45. Michael Colbruno

46. Marcello Magana

Miscellaneous

47. Eid