



Office of the City Manager

CONSENT CALENDAR
February 11, 2025

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 December 3, 2024 (closed, special, and regular), December 10, 2024 (special and regular).

CONTACT PERSON

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

Attachments:

1. December 3, 2024 – Special Closed City Council Meeting
2. December 3, 2024 – Special City Council Meeting
3. December 3, 2024 – Regular City Council Meeting
4. December 10, 2024 – Special City Council Meeting
5. December 10, 2024 – Regular City Council Meeting

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, DECEMBER 3, 2024

4:00 P.M.

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

TELECONFERENCE LOCATION - 13534 BALI WAY, MARINA DEL REY, CA 90292

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/1608079819>. 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: **160 807 9819**. 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.

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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: 4:11 p.m.

Present: Tregub, Hahn, Lunaparra, Humbert, Wengraf

Absent: Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:34 p.m.

Councilmember Bartlett present at 5:03 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 LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(2) and (e)(3)

- a. Government Claim of Safeco as subrogee of Michael and Susanne Kossa-Rienzi
Claim filed on May 3, 2023

Government Code section 54956.9(e)(3) requires that the government claim be available for public inspection; the claim is attached to this agenda.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(2)

- a. *Public Employees Union Local 1 v. City of Berkeley*
Arbitration Request Filed May 6, 2022 regarding PEPRA Ramp Down

Action: No reportable action taken.

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

Property Address: 1250-1288 Ninth Street, 1226 9th Street, 1249 8th Street, 1223 8th Street, 1221 8th Street, and 930 Harrison Street, Berkeley, CA 94710
Agency Negotiators: Paul Buddenhagen, City Manager's Office; David Sprague, Fire Department; Dionne Early, Public Works
Negotiating Parties: City of Berkeley and Smith and Walters, Inc.
Property Owner: Smith and Walters, Inc.
Under Negotiation: Price and Terms

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:08 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed session meeting held on December 3, 2024.

Mark Numainville, City Clerk

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

**Tuesday, December 3, 2024
5:30 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 13534 BALI WAY, MARINA DEL REY, CA 90292

JESSE ARREGUIN, MAYOR
Councilmembers:

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Preliminary Matters

Roll Call: 5:43 p.m.

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

Absent: Kesarwani

Ceremonial Items

1. Recognition of John Muir Elementary School as a National Blue Ribbon School
2. Recognition of New Bridge Foundation's Service to the Community

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 0 speakers.

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

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

Consent Calendar

1. Memorandum of Understanding: SEIU Local 1021 CSU/PTRLA

From: City Manager

Recommendation: Adopt a Resolution 1) approving a successor Memorandum of Understanding (hereafter referred to as "MOU") with Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (hereafter "SEIU Local 1021 CSU/PTRLA" or "Union") for a three-year term from June 27, 2024 to July 26, 2027 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and 2) approving new Classification and Salary tables for SEIU Local 1021 CSU/PTRLA classifications that implement the salary adjustments reflected in the new MOU and supersede prior salary resolutions.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 71,583–N.S.

Adjournment

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

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

Adjourned at 5:59 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on December 3, 2024.

Mark Numainville, City Clerk

Communications

Item #1: Memorandum of Understanding: SEIU Local 1021 CSU/PTRLA

1. Kimi Sakashita
2. Nancy Schimmel
3. Jacob Machnik
4. Jean Tepperman
5. Naomi A. Schapiro
6. Cristina Edwards

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
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Preliminary Matters

Roll Call: 6:00 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:04 p.m.

Councilmember Kesarwani participated remotely under the Just Cause exception in the Brown Act as amended by AB 2449.

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. Recognition of Councilmember Sophie Hahn for her service to the Berkeley
2. Recognition of Councilmember and Acting Mayor Susan Wengraf for her service to Berkeley
3. Recognition of State Senator Jesse Arreguin for his service as Mayor of Berkeley

City Manager Comments: None

City Auditor Comments: The City Auditor highlighted the progress in the Audit Status Reports on the agenda.

Public Comment on Non-Agenda Matters: 20 speakers.

Public Comment by Employee Unions: 1 speaker.

Recess: 8:09 p.m. – 8:25 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

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

Vote: All Ayes.

Consent Calendar

- 1. Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants**
From: Mayor Arreguin (Author), Councilmember Humbert (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,937-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report.
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted second reading of Ordinance No. 7,937–N.S.
- 2. Ashby BART Transit Oriented Development (TOD) Legal Agreements**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,939-N.S. that:
1. Authorizing 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. Adopting the Addendum to the Ashby and North Berkeley BART Stations Transit Oriented Development (TOD) Zoning Project EIR and the Adeline Corridor Specific Plan EIR.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,939–N.S.
- 3. Amendment: FY 2025 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,940-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted second reading of Ordinance No. 7,940–N.S.

Consent Calendar

- 4. Amendments to BMC Chapter 22.16, Development Agreement Procedures**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,941-N.S. amending BMC Chapter 22.16, “Development Agreement Procedures.”
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,941–N.S.
- 5. Adopt the updated Revolving Loan Fund (RLF) Administrative Plan and transfer RLF program administration to Working Solutions, a federally certified Community Development Financial Institution (CDFI).**
From: City Manager
Recommendation: Adopt two Resolutions to:
1. Adopt changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to allow for third party administration of the RLF.
2. Authorize the City Manager to execute a sole source contract and any amendments with Working Solutions, a federally certified Community Development Financial Institution (CDFI), to provide loan origination, servicing, and technical assistance to Berkeley’s existing and future RLF participants and fund management for a renewable ten-year term.
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,584–N.S. (Administrative Plan), and Resolution No. 71,585–N.S. (Contract).
- 6. Memorandum of Understanding: Public Employees Union – Local One**
From: City Manager
Recommendation: Adopt a Resolution 1) approving a successor Memorandum of Understanding (hereafter referred to as “MOU”) with Public Employees Union – Local One (hereafter referred to as the “Union”) for a three-year term from June 27, 2024 to July 26, 2027 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and 2) approving a new Classification and Salary table for Public Employees Union – Local One classifications that implement the salary adjustments reflected in the new MOU and supersede prior salary resolutions.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,586–N.S. including supplemental material in Supplemental Communications Packet #1 from the City Manager.

Consent Calendar

- 7. Donation: Memorial Bench at the Cesar Chavez Park in memory of Lawrence "Lon" Mullen**
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 Cesar Chavez Park in memory of Lawrence "Lon" Mullen.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,587–N.S.
- 8. Donation from the Eli Kane Fund for the Solano-Peralta Park Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to \$86,496 from the Eli Kane Fund to complete phase 3 of the Solano-Peralta Park Improvement Project, including a memorial bench/table in memory of their son, Eli Kane.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,588–N.S.
- 9. Contract: Azul Works, Inc. for Ohlone Park Restroom and Lighting project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Ohlone Park Restroom and Lighting Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Azul Works, Ince.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Azul Works, Inc., for the Ohlone Park Restroom and Lighting Project at 1502 Delaware Street, 1641 Hearst Ave, 1701 Hearst Ave, and 1800 Hearst Ave, in an amount not to exceed \$882,278 which includes a base contract amount of \$698,000, plus \$69,198 for Add Alternates No. 2 and 3 and a 15% contingency in the amount of \$115,080.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,589–N.S.

Consent Calendar

10. **Contracts: On-Call Planning and Environmental Services**

From: City Manager

Recommendation: Adopt 16 Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms for on-call planning and environmental review services, for a total contract period of three years:

1. CSG Consultants, Inc. in an amount not to exceed \$1,000,000; and
2. Environmental Science Associates in an amount not to exceed \$1,000,000; and
3. Rincon Consultants, Inc. in an amount not to exceed \$1,000,000; and
4. Stantec Consulting Services, Inc. in an amount not to exceed \$1,000,000; and
5. MIG in an amount not to exceed \$1,000,000; and
6. PlaceWorks in an amount not to exceed \$1,000,000; and
7. Architectural Resources Group in an amount not to exceed \$500,000; and
8. Ascent in an amount not to exceed \$500,000; and
9. Chronicle Heritage in an amount not to exceed \$500,000; and
10. EPD Solutions, Inc. in an amount not to exceed \$500,000; and
11. FirstCarbon Solutions in an amount not to exceed \$500,000; and
12. Illingworth & Rodkin, Inc. in an amount not to exceed \$500,000; and
13. ICF Jones & Stokes, Inc. in an amount not to exceed \$500,000; and
14. LSA in an amount not to exceed \$500,000; and
15. Meridian Consultants in an amount not to exceed \$500,000; and
16. Ratcliffe Consulting in an amount not to exceed \$200,000.

Financial Implications: See report.

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

Action: Adopted Resolution No. 71,590–N.S. (CSG Consultants), Resolution No. 71,591–N.S. (Environmental Science), Resolution No. 71,592–N.S. (Rincon Consultants), Resolution No. 71,593–N.S. (Stantec Consulting), Resolution No. 71,594–N.S. (MIG), Resolution No. 71,595–N.S. (PlaceWorks), Resolution No. 71,596–N.S. (Architectural Resources), Resolution No. 71,597–N.S. (Ascent), Resolution No. 71,598–N.S. (Chronicle Heritage), Resolution No. 71,599–N.S. (EPD Solutions), Resolution No. 71,600–N.S. (FirstCarbon Solutions), Resolution No. 71,601–N.S. (Illingworth & Rodkin), Resolution No. 71,602–N.S. (ICF Jones & Stokes), Resolution No. 71,603–N.S. (LSA), Resolution No. 71,604–N.S. (Meridian Consultants), and Resolution No. 71,605–N.S. (Ratcliffe Consulting).

Consent Calendar

- 11. Lease Agreement – The Framer’s Workshop LLC, at 2435 and 2439 Channing Way in Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Framer’s Workshop LLC, a limited liability corporation to use and occupy 2435 and 2439 Channing Way inside the Telegraph-Channing Mall and Garage for a ten (10) year lease term with the option to extend for two additional five (5) year terms. The initial lease term is anticipated to begin February 1, 2025.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,942–N.S. Second reading scheduled for December 10, 2024.
- 12. Lease Amendment: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a Lease Amendment with We Wield The Hammer, a 501c3 organization, to use and occupy 2440 Durant Avenue for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment modifies the Lease Commencement Date, Rent Commencement Date and increases months of rent abatement from six (6) to nine (9) months.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,943–N.S. Second reading scheduled for December 10, 2024.
- 13. Lease Amendment: Dorothy Day House dba Dorothy’s Closet at 2425a Channing Way in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a Lease Amendment with Dorothy Day House, a 501c3 organization, d.b.a Dorothy’s Closet to use and occupy 2425a Channing Way for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment proposes a rental rate reduction \$2.26 per square foot per month with an annual 3% increase to \$1.95 per square foot with no annual increase.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,944–N.S. Second reading scheduled for December 10, 2024.

Consent Calendar

- 14. Contract No. 32500091 Amendment: Ardurra Group, Inc. for on-site Traffic Engineering support services**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of the City of Berkeley allowing the City to participate in competitively bid contracts, authorizing the City Manager to execute a Contract No. 32500091 Amendment with Ardurra Group, Inc. for on-site traffic engineering services to augment staffing in the Transportation Division's Traffic Engineering and Transportation Planning units in an amount not to exceed \$500,000 through June 30th, 2026.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,606–N.S.
- 15. Officially Name the Harrison Skate Park in honor of Terrance McCrary**
From: Parks and Waterfront Commission
Recommendation: Adopt a Resolution to officially name the Harrison Skate Park in honor of Terrance McCrary.
Financial Implications: See report.
Contact: Roger Miller, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 71,607–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Kesarwani to correct the name to Terrance McCrary, Jr.

Council Consent Items

16. **Berkeley Green New Deal: Environmental Justice and Workforce Development**
(Reviewed by the Land Use, Housing & Economic Development Committee)
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Recommendation: Refer consideration of the following concepts to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission for inclusion in General Plan amendments pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework:

-Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”;

-Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;

-The development of a workforce development board to increase equitable access to green jobs and accelerate the fossil-free economy.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to refer this item to the budget process and to the Environment and Climate Commission for further consideration.

Financial Implications: See report.

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

Action: Approved recommendation of the Land Use, Housing & Economic Development Committee.

Council Consent Items

- 17. Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization** *(Reviewed by the Land Use, Housing & Economic Development Committee)*
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission: (1) To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Police, (2) Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans, (3) Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation that the Council:
1. Refer to the City Manager and the Civic Arts Commission to: a) Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans, b) Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
2. Defer referral of the study and development of an ordinance and implementation plan until later in the process when there is more information regarding the applicable standards and definitions.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Tregub added as a co-sponsor. Approved recommendation of the Land Use, Housing & Economic Development Committee.
- 18. Bicycle and Pedestrian Access on the Richmond-San Rafael Bridge**
From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution affirming the City of Berkeley's support for permanent 24/7 protected bicycle and pedestrian access to the Richmond-San Rafael Bridge Trail.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Item 18 continued to December 10, 2024.

Action Calendar – Public Hearings

19. Renewal of the Solano Avenue BID for Calendar Year 2025

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2024-2025 and, if no majority protest exists, levy annual assessments in the District for calendar year 2025 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report.

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Public Testimony: The Acting Mayor opened the public hearing. 0 speakers. M/S/C (Hahn/Bartlett) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Wengraf/Humbert) to adopt Resolution No. 71,608–N.S.

Vote: All Ayes.

20. Zoning Ordinance Amendments: Keep Innovation in Berkeley

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 to encourage Research and Development (R&D) uses in Berkeley.

Financial Implications: See report

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

Public Testimony: The Acting Mayor opened the public hearing. 7 speakers. M/S/C (Taplin/Hahn) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Taplin/Humbert) to adopt first reading of Ordinance No. 7,945–N.S. as revised in Supplemental Communications Packet #1 by the City Manager. Second reading scheduled for December 10, 2024.

Vote: All Ayes.

Information Reports

21. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report

From: City Manager

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

Action: Received and filed.

22. Measure FF Spending Audit Status Report

From: City Manager

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

Action: Received and filed.

Information Reports

23. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Received and filed.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 9:43 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on December 3, 2024.

Mark Numainville, City Clerk

Communications

199 Seawall

1. Daniel Auten

Fair Contract

2. Diana Bohn
3. Elana Auerbach
4. Channing Kennedy
5. Friends of Adeline
6. 26 Similarly worded form letters

Elmwood Neighborhood Safety Meeting

7. Claire Schooley

Mayoral Election

8. Nick Frababsilio

Ashby BART

9. Christopher Smith

Peace and Justice Commission Resolution

10. Diana Bohn

City Concerns

11. Nicola Spence (2)

Middle East Conflict

12. Judy Zagha (2)

13. Rachael Soares

Crosswalk Concerns

14. Alex S. Merenkov

La Pena Cultural Center

15. Berkleee Sati

16. Sylvia Sherman (2)

17. Hector Mendez

18. Craig McCaleb

19. Tom Miller

20. Liz Lisle

Berkeley Art Center

21. Youngmi Angela Pak

CA Theater Project

22. John Craner

23. EJ Cire

24. Eric Fenster

25. Tai Yu

26. Mark Rhoades

Zoning

27. Verna Winters

28. David Brandon

29. Kate Kirkhuff

30. Aaryaman Singhal

31. Ruben Hernandez Story

32. Jason N. Lawrence

33. Cassandra Turgman

34. Jack Kurzweil

Parking Stickers

35. Liz Arenas

Public Hearing Questions

36. Biolab Watch

Encampment Closures

37. Yesica Prado and Gordon Gilmore

Encampment Concerns

38. Molly Miller
39. Todd Jersey
40. Peter Radu

UC Berkeley Wildfire Research Project

41. Olivia Henchel

Housing Concern

42. Carl Martineau

Street Lighting

43. Carrie Olson

RHSP Form

44. Alex S. Merenkov

Local Business

45. Eid (3)

Forwards of Current Events

46. Eid (3)
47. Russbumper (4)

URLs

48. Josh Atwood (4)
49. Russbumper (2)

Miscellaneous

50. Eid (2)
51. Josh Atwood (5)
52. Keith Bayne (3)

Letter

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

UC Berkeley Class

54. 2,106 Similarly worded form letters

Supplemental Communications and Reports 1

Item #6: Memorandum of Understanding: Public Employees Union – Local One

55. Supplemental agenda material submitted by the Human Resources Department (2)

Item #15: Officially Name the Harrison Skate Park in honor of Terrance McCrary

56. Revised agenda material submitted by Councilmember Kesarwani

Item #20: Zoning Ordinance Amendments: Keep Innovation in Berkeley

57. Revised agenda material submitted by the Planning and Development Department

Supplemental Communications and Reports 2

Item 2: Ashby BART Transit Oriented Development (TOD) Legal Agreements

58. Clifford Fred

59. Octavio Raygoza

Item 20: Zoning Ordinance Amendments: Keep Innovation in Berkeley

60. Rachel Haurwitz, Caribou Biosciences, Inc.

61. Wesley M. Jackson, Valitor

62. John Caner, Downtown Berkeley Association

63. Beth Roessner, Berkeley Chamber

Supplemental Communications and Reports 3

Item #15: Officially Name the Harrison Skate Park in honor of Terrance McCrary

64. Tina Monaco-Glynn

65. Joan Hoffman

66. Jacquelin Lockett

67. Cristal Leon Maciel

Item #17: Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization (Reviewed by the Land Use, Housing & Economic Development Committee)

68. Cameron Woo (2)

Item #18: Bicycle and Pedestrian Access on the Richmond-San Rafael Bridge

69. Max Perrey on behalf of member non-profit community clinics

70. Robert Prinz

71. Barbara Gilbert

Item #20: Zoning Ordinance Amendments: Keep Innovation in Berkeley

72. Presentation submitted by the Office of Economic Development

73. Clark Kellogg

74. Rigel Shimono-Robinson

Miscellaneous

75. Rincon Consultants Inc.

76. Eid

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

**Tuesday, December 10, 2024
5:30 PM**

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

ADENA ISHII, MAYOR

Councilmembers:

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

DISTRICT 5 – SHOSHANA O’KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1601063395>. 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: 160 106 3395**. 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: 5:39 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 1 speaker.

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

Vote: All Ayes.

1. **Confirming the Results of the November 5, 2024, General Municipal Election** **From: City Manager**

Recommendation:

1. Adopt a Resolution:

a) Confirming the results of the November 5, 2024, General Municipal Election; and

b) Declaring the passage of Measure W – Real Property Transfer Tax Amendments, Measure X – Library Relief Act of 2024, Measure Y – Parks, Trees, and Landscaping Maintenance Tax Amendments, Measure Z – Sugar Sweetened Beverage Tax Amendments, Measure AA – Article XIII B GANN Appropriations Limit Authority, Measure BB – Rent Stabilization Ordinance Amendments and Housing Retention Measure DD – Prohibition on Concentrated Animal Feeding Operations, Measure FF – Ordinance to Establish a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths.

c) Declaring the failure of Measure CC – Establish Direct Rental Payments and Amendments to the Rent Stabilization Ordinance, Measure EE – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths, Measure GG – Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger, Measure HH – Ordinance Requiring the Adoption of Minimum Indoor Air Quality Standards in City-Owned and City-Leased Buildings.

2. Adopt seven Ordinances amending the Berkeley Municipal Code to incorporate the passage of Measure W – Real Property Transfer Tax Amendments, Measure X – Library Relief Act of 2024, Measure Y – Parks, Trees, and Landscaping Maintenance Tax Amendments, Measure Z – Sugar Sweetened Beverage Tax Amendments, Measure BB – Rent Stabilization Ordinance Amendments and Housing Retention, Measure DD – Prohibition on Concentrated Animal Feeding Operations, Measure FF – Ordinance to Establish a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths.

3. Adopt a Resolution codifying the text of Measure AA – Article XIII B GANN Appropriations Limit Authority.

Financial Implications: See report

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

Consent Calendar

Action: Adopted:

1. Resolution No. 71,609–N.S. (Confirm Results).
2. Adopted Ordinance No. 7,946-N.S. (Measure W – Real Property Transfer Tax Amendments), Ordinance No. 7,947-N.S. (Measure X – Library Relief Act of 2024), Ordinance No. 7,948-N.S. (Measure Y – Parks, Trees, and Landscaping Maintenance Tax Amendments), Ordinance No. 7,949-N.S. (Measure Z – Sugar Sweetened Beverage Tax Amendments), Ordinance No. 7,950-N.S. (Measure BB – Rent Stabilization Ordinance Amendments and Housing Retention), Ordinance No. 7,951-N.S. (Measure DD – Prohibition on Concentrated Animal Feeding Operations), and Ordinance No. 7,952-N.S. (Measure FF – Ordinance to Establish a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths).
3. Resolution No. 71,610–N.S. (Measure AA – Article XIII B GANN Appropriations Limit Authority).

Adjournment

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

Vote: All Ayes.

Adjourned at 5:43 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on December 10, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 10, 2024
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
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DISTRICT 3 – BEN BARTLETT
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Preliminary Matters

Roll Call: 6:05 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

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 Chochoenyoy (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. Swearing in of newly elected and re-elected officials

City Manager Comments:

Recognition of outgoing Deputy City Managers LaTanya Bellow and Anne Cardwell

City Auditor Comments:

City Auditor Jenny Wong provided an update on the four audit status reports on the Information Calendar.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Bartlett/Tregub) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Lights of Tomorrow nonprofit MX (Malcolm X Elementary School) Bike Giveaway on December 18, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 25 speakers.

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

Vote: All Ayes.

Consent Calendar

Urgent Item: Lights of Tomorrow nonprofit MX (Malcolm X Elementary School) Bike Giveaway on December 18, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including \$500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Lights of Tomorrow to fund operational resources for MX (Malcolm X Elementary School) Bike giveaway event on Wednesday, December 18, 2024. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$500

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Adopted Resolution No. 71,611–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Taplin - \$500; Mayor Ishii - \$500; Councilmember Tregub - \$100; Councilmember Humbert - \$300; Councilmember Lunaparra - \$300; Councilmember Kesarwani - \$100; Councilmember Blackaby - \$250; Councilmember O'Keefe - \$250.

Consent Calendar – Continued Business

A. Lease Agreement – The Framer's Workshop LLC, at 2435 and 2439 Channing Way in Telegraph-Channing Mall and Garage (Continued from December 3, 2024)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,942-N.S. authorizing the City Manager to execute a lease agreement with Framer's Workshop LLC, a limited liability corporation to use and occupy 2435 and 2439 Channing Way inside the Telegraph-Channing Mall and Garage for a ten (10) year lease term with the option to extend for two additional five (5) year terms. The initial lease term is anticipated to begin February 1, 2025.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,942–N.S.

Consent Calendar – Continued Business

- B. Lease Amendment: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage** *(Continued from December 3, 2024)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,943-N.S. authorizing the City Manager to execute a Lease Amendment with We Wield The Hammer, a 501c3 organization, to use and occupy 2440 Durant Avenue for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment modifies the Lease Commencement Date, Rent Commencement Date and increases months of rent abatement from six (6) to nine (9) months.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,943–N.S.
- C. Lease Amendment: Dorothy Day House dba Dorothy’s Closet at 2425a Channing Way in the Telegraph-Channing Mall and Garage** *(Continued from December 3, 2024)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,944-N.S. authorizing the City Manager to execute a Lease Amendment with Dorothy Day House, a 501c3 organization, d.b.a Dorothy’s Closet to use and occupy 2425a Channing Way for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment proposes a rental rate reduction \$2.26 per square foot per month with an annual 3% increase to \$1.95 per square foot with no annual increase.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,944–N.S.
- D. Zoning Ordinance Amendments: Keep Innovation in Berkeley; Amending BMC Title 23** *(Continued from December 3, 2024)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,945-N.S. amending Berkeley Municipal Code Title 23 to encourage Research and Development (R&D) uses in Berkeley.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,945–N.S.

Consent Calendar

- 1. Minutes for Approval**
From: City Manager
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).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 2. Contract: CVL Economics for a Study of the Economic Impact of the Arts in Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with CVL Economics for an amount not to exceed \$119,300 for analysis of pandemic cultural arts recovery investments and the economic impact of the arts in Berkeley for a term of two years.
Financial Implications: American Rescue Act Fund - \$119,300
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,612–N.S.
- 3. Contract: Kala Art Institute for Framed Artwork Purchase Plan for City Buildings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Kala Art Institute for an amount not to exceed \$50,000 to implement a framed artwork purchase plan for two city administration buildings located at 1947 Center Street and 2180 Milvia Street. The artworks are to be hung in public areas of civic buildings and will become part of the City's Civic Art Collection.
Financial Implications: Cultural Trust Fund - \$50,000.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,613–N.S.
- 4. Contract: Masako Miki Public Artwork Commission for Aquatic Park Pathway Wall**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with artist Masako Miki for an amount not to exceed \$87,000 for a public art commission of a ceramic tile mural on the 42'-long curved wall located along the San Francisco Bay Trail west of the intersection of Addison Street and Bolivar Drive in Aquatic Park.
Financial Implications: Cultural Trust Fund - \$87,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,614–N.S.

Consent Calendar

- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 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: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation including revised material in Supplemental Communications Packet #1 from the City Manager.
- 6. Establish Classification and Salary – Senior Paralegal**
From: City Manager
Recommendation: Adopt a Resolution establishing the job class specification and salary of Senior Paralegal with an hourly salary range of \$47.4636 to \$57.6923, and an annual range of \$98,724.30 to \$120,000.00.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,615–N.S.
- 7. Revise Job Class Specifications – Communications Specialist**
From: City Manager
Recommendation: Adopt a Resolution (1) revising the Communications Specialist job class specifications to allow Charter departments and offices to utilize the classification and (2) providing a 5% differential to Communication Specialists assigned to the City Manager's Office.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,616–N.S.
- 8. Personnel Rule 9.03 Revision: Promotion Through a Non-Competitive Process**
From: City Manager
Recommendation: Adopt a Resolution amending Section 9.03 of the City's Personnel Rules and Regulations, "Promotion Through a Non-Competitive Personnel Action," to add classifications including Deputy City Attorney I, II, III, and IV; Police Officer Recruit and Police Officer; Public Safety Dispatcher I and Public Safety Dispatcher II; Hazardous Materials Specialist I and Hazardous Materials Specialist II; and Housing Inspector I (Certified) and Housing Inspector II (Certified).
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,617–N.S.

Consent Calendar

- 9. Contract No. 32400151 Amendment: SDR Consulting for Classification and Compensation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400151 with SDR Consulting for classification and compensation services to cover the period of February 26, 2023 through June 30, 2026, for a total cost not to exceed \$150,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Item 9 removed from the agenda by the City Manager.
- 10. Accept Grant Funds from the U.S. Department of Energy's Zero Codes Award and contract with City and County of San Francisco to develop, implement, and enforce Building Performance Standards**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to accept the U.S. Department of Energy's Assistance for adoption of the "Latest and Zero Building Energy Codes" in the amount of \$5,729,943, and negotiate and execute a contract and any amendments, extensions, or change orders with City and County of San Francisco, to develop Building Performance Standards, for the duration of January 1, 2025 through December 31, 2033.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 71,618–N.S.
- 11. Contract No. 112219-1 Amendment: Siemens Industry, Inc. for Fire and Life Safety Systems Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112219-1 with Siemens Industry, Inc. for Fire and Life Safety Systems Maintenance, increasing the current contract amount of \$100,000 for a total not to exceed amount of \$700,000 and extending the contract term through December 31, 2025.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,619–N.S.

Consent Calendar

12. **Contract: Terocons Inc. for Sacramento Street Pedestrian Safety Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Sacramento Street Pedestrian Safety Project (“Project”), Specification No. 24-11643-C; 2. Accepting the bid of Terocons Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Terocons 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 \$973,638, which includes a 15% contingency for unforeseen circumstances.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,620–N.S.
13. **Contract No. 32000078 Amendment: DC Electric Group, Inc for On-Call Electrical Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000078 between the City and DC Electric Group, Inc. for supplemental On-Call electrical services to support the Public Works Electrical Unit, increasing the current contract spending authority by \$250,000 for a new total not to exceed amount of \$725,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,621–N.S.
14. **Contract: Stommel Inc., dba Lehr for Hybrid Police Patrol Vehicles Supplies, Equipment, and Installation Services**
From: City Manager
Recommendation: Adopt a Resolution satisfying bid requirements of the City allowing the City to participate in competitively bid contracts, authorizing the City Manager to enter into contract with Stommel Inc. dba Lehr, for Hybrid Police Patrol vehicle supplies, equipment, and installation services with a contract term from December 15, 2024 to December 15, 2026 for an amount not to exceed \$400,000.
Financial Implications: Public Works Equipment Replacement - \$400,000
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,622–N.S.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra; Abstain – None.

Consent Calendar

- 15. Purchase Order: Braun Northwest Inc. for Two (2) 2025 Ford F-450 North Star Engine Remount of Ambulance Bodies to New Chassis**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter allowing the City of Berkeley (“City”) to participate in HGACBuy contract bid procedures and authorizing the City Manager to purchase two (2) 2025 Ford F-450 North Star Ambulance chassis with Braun Northwest, Inc. in an amount not to exceed \$430,000.
Financial Implications: Equipment Replacement Fund - \$430,000
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,623–N.S.
- 16. Agreement Regarding Allocation of Costs for Railroad Crossing Improvements for W-SW WBLs West Owner IX, L.P., a California limited liability company and the City**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the W-SW WBLs West Owner IX, L.P., (“Developer”) for payment for all improvements mitigating the impact of their Development (Project) at the Bancroft Way at-grade railroad crossing.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,624–N.S.
- 17. Grant Applications: Metropolitan Transportation Commission Housing Incentive Pool**
From: City Manager
Recommendation: Adopt two Resolutions certifying the City’s compliance with State Housing Laws and authorizing the City Manager to submit grant applications to the Metropolitan Transportation Commission (MTC) Housing Incentive Pool (HIP) for the following projects: San Pablo Avenue/Ashby Avenue Intersection Improvements Project for up to \$1.9 million; Adeline Street Quick-Build for up to \$1.05 million; and 7th Street/Anthony Street Complete Intersections Project for up to \$2 million; accept the grants if awarded, and execute any resulting agreements and amendments.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,625–N.S. (Local Support), and Resolution No. 71,626–N.S. (Local Compliance).

Consent Calendar

18. **Establishing a New Schedule of Fines and Late Payment Penalties for Parking Violations; and Rescinding Resolution No. 70,924-N.S.**
From: City Manager
Recommendation: Adopt a Resolution updating the existing schedule of parking violations and fines to include parking violations and late payment penalties for California's new daylighting law, Assembly Bill 413 (AB 413); and rescinding resolution No. 70,924-N.S.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,627–N.S.
19. **City Council Committee and Regional Body Appointments**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving appointments to City Council Policy Committees, Partnership Committees and Regional Bodies, to temporarily appoint Mayor Adena Ishii and Councilmembers Terry Taplin and Ben Bartlett to the Agenda & Rules Committee.
Financial Implications: None.
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 71,628–N.S.

Action Calendar – Public Hearings

20. *****Item Removed by the City Manager*** Changes to Selected Recreation Facilities and Camps Program Fees**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action Calendar – Continued Business

- E. **Bicycle and Pedestrian Access on the Richmond-San Rafael Bridge** (*Continued from December 3, 2024*)
From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Adopt a Resolution affirming the City of Berkeley's support for permanent 24/7 protected bicycle and pedestrian access to the Richmond-San Rafael Bridge Trail.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Moved to Consent Calendar. Adopted Resolution No. 71,629–N.S.

Information Reports

21. **Fire Prevention Inspections Audit Status Report**
From: City Manager
Contact: David Sprague, Fire, (510) 981-3473
Action: Received and filed.
22. **Restaurant Inspection Audit Status Report**
From: City Manager4
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Moved to Action Calendar. 0 speakers. Discussion held.
23. **Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees**
From: City Manager
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Received and filed.
24. **Audit Status Reports: Fleet Replacement Fund Short Millions and Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 5 speakers.

Adjournment

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

Vote: All Ayes.

Adjourned at 8:12 p.m.

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

Mark Numainville, City Clerk

Communications

Berkeley Holiday Gift Fair

1. Beth Roessner

Mayor and Councilmember Send Off

2. Tim O'Brien

Public Toilet Facility

- 3. Nicole Spence (2)

RV Living

- 4. John Hershberger

Rose Street

- 5. Ben Gerhardstein, Liza Lutzker, Charles Siegel, Benjamin Fry, Naveen Gattu, Brandon Yung, Rebecca Mirvish, Stewart Smith, Avery Arbaugh, Marc Hedlund, Ian Meyers, John Beaulaurier, Walk Bike Berkeley, Bryce Miller, Telegraph For People, Cal Berkeley Democrats, Sunrise Bay Area, Ren Fitzgerald, and Phyllis Orrick
- 6. Katherine Silver

Notification of Service

- 7. Yesica Prado

The Black Repertory Group

- 8. Moni T. Law

Marine Protected Areas Petition

- 9. Melissa A. Miller-Henson on behalf of the California Fish and Game Commission

Encampment Resolution

- 10. Stacie Blair

Encampment Sweeps

- 11. Boona Cheema
- 12. Moni T. Law
- 13. Paul Kealoha Blake
- 14. Willie Phillips

Encampments

- 15. Lyle Courtsal

Zoning

- 16. Mimi Mougovan
- 17. Bob Dougherty

Berkeley Arts Center

- 18. Thet Shein Win
- 19. Naz Cuguoglu
- 20. Natnael Amare

La Pena Cultural Center

- 21. Vanessa Whang
- 22. Ted Russell

23. Biel Delgado Trabal

Virginia St.

24. David Lerman

Cannabis Policy

25. Lynn Silver, Aurash J. Soroosh, and Kiara Gonzalez Garcia on behalf of Getting it Right from the Start

Forwards of Information

26. Josh Atwood

27. Russbumper

28. Kyle Ratia

29. Eid (2)

URLs

30. Russbumper (3)

UC Berkeley Class

31. 891 Similarly worded form letters

Supplemental Communications and Reports 1

Item #5: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 10, 2024

32. Revised agenda material submitted by the Finance Department

Supplemental Communications and Reports 2

Item #18: Establishing a New Schedule of Fines and Late Payment Penalties for Parking Violations; and Rescinding Resolution No. 70,924-N.S.

33. Gregory Kalkanis

Supplemental Communications and Reports 3

Item #18: Establishing a New Schedule of Fines and Late Payment Penalties for Parking Violations; and Rescinding Resolution No. 70,924-N.S.

34. Liza Lutzker, Barnali Ghosh, Ben Gerhardstein, Karen Parolek, Charles Siegel on behalf of Walk Bike Berkeley

Item #E: Bicycle and Pedestrian Access on the Richmond-San Rafael Bridge (Continued from December 3, 2024)

35. Robert Prinz (2)

36. John Rice

37. Barbara Gilbert

38. Lauren Goode

39. Ben Gerhardstein on behalf of Walk Bike Berkeley

Emergency Item: Lights of Tomorrow nonprofit MX (Malcolm X Elementary School) Bike Giveaway on December 18, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

40. Councilmember Ben Bartlett

Miscellaneous

41. Eid

