



REVISED AGENDA
(ADDED CONTINUED ITEMS FROM OCTOBER 3, 2023)
BERKELEY CITY COUNCIL MEETING
Tuesday, October 10, 2023
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1611670896>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 167 0896**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar – Continued Business

A. Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development
(Continued from October 3, 2023)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,888-N.S. amending Berkeley Municipal Code (BMC) Title 23, and repealing BMC Chapter 12.99, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.

First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Robinson, Humbert, Arreguin; Noes – None; Abstain – Hahn, Wengraf.

Financial Implications: See report

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

Consent Calendar

1. *Item Removed by the City Manager*** City Council Rules of Procedure and Order Revisions**

From: City Manager

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

2. Write-Off of a Delinquent Revolving Loan Fund (RLF) Balance of \$25,000 Owed by Kidventurez, Inc.

From: City Manager

Recommendation: Adopt a Resolution authorizing the write-off of the outstanding loan balance of \$25,000 owed by Kidventurez Inc. to the City's federally-funded Revolving Loan Fund (RLF) in accordance with the RLF Administrative Plan.

Financial Implications: See report

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

Consent Calendar

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 10, 2023

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

4. Revenue Contracts: Aging Services Programs, Fiscal Years 2024 - 2026

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2024 thru Fiscal Year 2026 (FY2024-FY2026):

a. Congregate Meals in an amount not to exceed \$213,000;

b. Home Delivered Meals in an amount not to exceed \$440,000;

c. Family Caregiver Support Program in an amount not to exceed \$126,500;

d. Senior Center Activities in an amount not to exceed \$136,000; and

e. Information and Assistance Services in an amount not to exceed \$460,000.

Financial Implications: See report.

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

5. Develop and maintain Homelessness Prevention reporting module in City Data Services for Streamlined Community Agency Contract Administration and Monitoring

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100038 with City Data Services (CDS) to allocate \$10,760 to develop and maintain a Homelessness Prevention module in the online data management system utilized by the Department of Health, Housing and Community Services (HHCS) for a total contract not to exceed amount of \$139,400.

Financial Implications: General Fund - \$10,760

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

6. Establish Classification and Salary Range – Graphic Designer

From: City Manager

Recommendation: Adopt a Resolution establishing the unrepresented classification and salary range of Graphic Designer as outlined, with an hourly range of \$39.5233 - \$48.5000 and an annual salary range of \$82,208.4870 - \$100,880.0000.

Financial Implications: See report

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

Consent Calendar

- 7. Contract: EdgeSoft for Data Automation Services and Support for Toxics Management Division**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Fremont's existing contract and any amendments with EdgeSoft Inc., to provide data automation services and support for the Toxics Management Division from December 1, 2023 until November 31, 2028 in an amount not to exceed \$128,375.
Financial Implications: CUPA Fund - \$128,375
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 8. Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Flock Safety to provide Automated License Plate Reader (ALPR) cameras services for the Berkeley Police Department (BPD), in an amount of \$344,500 for a total contract amount not to exceed \$425,000, and extending the term for a period of time of two years from the date of implementation.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 9. Contract No. 32300191 Amendment: Pacific Site Management: Landscaping Services for Public Works and Health, Housing, and Community Services Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300191 with Pacific Site Management to increase the spending authority by \$150,000 for a total not to exceed \$260,000.
Financial Implications: See Report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 10. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$350,000 for a total contract amount not to exceed \$480,000; and to extend the contract term through June 30, 2025.
Financial Implications: Various Funds - \$350,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

11. Grant Application: Safe Routes to BART Grant Program for the Ohlone Greenway Modernization and Safety Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: Submit a grant application to Bay Area Rapid Transit (BART) to receive up to \$3 million from the Safe Routes to BART (SR2B) Grant Program to help close the funding gap for construction of safety-related improvements to the Ohlone Greenway shared-use pathway as part of the Ohlone Greenway Modernization and Safety Project; Accept the grants awarded; and Execute any resultant agreements and amendments.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

12. Purchase Order: Western Truck Center for Four Front Loaders

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase of four (4) Front Loaders with Western Truck Center in an amount not to exceed \$2,050,000.

Financial Implications: Equipment Replacement Fund - \$2,050,000

Contact: Liam Garland, Public Works, (510) 981-6300

13. Renewal of the Elmwood Avenue BID for Calendar Year 2024

From: Elmwood Advisory Board

Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024 and 3) direct the City Clerk to schedule a public hearing on the renewal and expansion of the assessment area for November 14, 2023.

Financial Implications: See report

Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

14. Renewal of the Solano Avenue BID for Calendar Year 2024

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 14, 2023.

Financial Implications: See report

Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – Continued Business

- B. Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention** *(Continued from October 3, 2023)*
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Information Reports

- 15. Fiscal Year 2024 Civic Arts Grant Awards**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

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

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

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

COMMUNICATION ACCESS INFORMATION:

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 5, 2023.*



Mark Numainville, City Clerk

## **Communications**

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

### **Fire Lessons**

1. Barbara Gilbert
2. Susan Nunes
3. Kelly Hammargren

### **Parking Enforcement**

4. Jesse McCaffrey

### **Camping in Parks**

5. David Lerman

### **Waterfront Specific Plan**

6. Robert Ofsevit

### **Southside Complete Streets**

7. Dan Auten

### **Hazardous Waste Drop-off**

8. David Lerman

### **Ohlone Path**

9. Carol Denney

### **Bio Labs**

10. Anne Herrick (2)
11. Biolab Watch

### **Cannabis Assessment**

12. Ryan Whitacre

### **Golden Gate Fields**

13. Judd Goodman

**Crime**

- 14. Melissa Jones
- 15. Nina Lyons

**Event Signage**

- 16. Isabella

**Paving Funding**

- 17. Eric Friedman

**Signs Creating Blight**

- 18. Justine Tenzeldam

**Cycling and Pedestrian Upgrades**

- 19. Heather Ball

**Parking Ticket Error**

- 20. Constance Hale

**Electric Micromobility Permit**

- 21. Todd Andrew

**Trash Bills**

- 22. Paul Worthman

**Berkeley Today Event Invite**

- 23. Beth Roessner, on behalf of Berkeley Chamber

**URL's Only**

- 24. Vivian Warkentin

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.