



Office of the City Manager

CONSENT CALENDAR
March 26, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of February 5, 2024 (closed), February 13, 2024 (regular), February 20 (closed), February 27, 2024 (special and regular) and February 29, 2024 (special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. February 5, 2024 – Special Closed Council Meeting
2. February 13, 2024 – Regular Council Meeting
3. February 20, 2024 – Special Closed Council Meeting
4. February 27, 2024 – Special Council Meeting
5. February 27, 2024 – Regular Council Meeting
6. February 29, 2024 – Special Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

MONDAY, FEBRUARY 5, 2024

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*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/1616189638>. 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: **161 618 9638**. 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.*

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 public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 3:07 p.m.

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

Absent: Harrison

Public Comment - Limited to items on this agenda only – 3 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: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Renne Public Law Group

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.

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

a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

Action: No reportable action taken.

b. California Restaurant Association v. City of Berkeley (9th Cir. 2024) 89 F.4th 1094; California Restaurant Association v. City of Berkeley (N.D.Cal. 2021) 547 F.Supp.3d 878, rev'd and remanded (9th Cir. 2023) 65 F.4th 1045, and rev'd and remanded (9th Cir. 2024) 89 F.4th 1094.

Action: No reportable action taken.

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

Property Address: 1512 University Avenue, Berkeley CA
Agency Negotiators: Peter Radu, City Manager's Office
Negotiating Parties: City of Berkeley and Sai Shakti, Inc.
Property Owner: Sai Shakti, Inc.
Under Negotiation: Lease Price and Terms

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 4:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 5, 2024.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 13, 2024
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 – VACANT
DISTRICT 8 – MARK HUMBERT

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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.

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Preliminary Matters

Roll Call: 6:14 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Humbert, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 6:16 p.m.

Councilmember Harrison participated in the meeting remotely pursuant to 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 Chochoyeno (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 the 40th Anniversary of the WEE POETS show on BeTV
2. Adjourned in Memory of Irma Anderson, former Richmond Mayor
3. Adjourned in memory of Doran McGee, Berkeley Artist and Muralist
4. Presentation: Bay Area Housing Finance Authority

City Manager Comments:

The City Manager noted that the portion of Item 6 regarding the start time of City Council meetings was withdrawn, but the date change remained for consideration.

Public Comment by Employee Unions: 2 speakers.

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 8:04 p.m. – 8:23 p.m.

Action: M/S/C (Harrison/Wengraf) to accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Resolution Granting the Berkeley Repertory Theater \$15,393.29 to Offset the City's Business License Tax on Large Non-profits. Vice-Mayor Wengraf added as a co-sponsor. Added to Consent Calendar.

Vote: All Ayes.

Action: M/S/C (Bartlett/Taplin) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Urgency Resolution Establishing a Policy Providing for the Continuance of Council District Constituent Services in the Event of Councilmember Resignation, Death or Expulsion. Added to the Action Calendar.

Vote: All Ayes.

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

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

Vote: All Ayes.

Consent Calendar

Urgency Item: Resolution Granting the Berkeley Repertory Theater \$15,393.29 to Offset the City's Business License Tax on Large Non-profits

From: Councilmember Harrison (Author)

Recommendation: Adopt a Resolution to support the Berkeley Repertory Theater (Berkeley Rep) by donating \$15,393.29 to their general operating budget in FY24 and grant them the amount of the tax annually.

Financial Implications: General Fund - \$15,393.29

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

Action: Vice-Mayor Wengraf added as a co-sponsor. Adopted Resolution No. 71,204–N.S.

1. **Amending the Miscellaneous CalPERS Contract to (a) Eliminate PEPRA Cost Sharing for Unrepresented Employees (b) Add Paramedic and Limited Term EMT to Safety Category**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,895–N.S. amending the contract between the Board of Administration, California Public Employees' Retirement System, and the City Council for the City of Berkeley (a) pursuant to California Government Code Section 20516 to eliminate the cost share contributions made on behalf of the City by PEPRA members of the Unrepresented Employees group, and (b) pursuant to California Government Code Section 20434 to add the Paramedic and Limited Term Emergency Medical Technician (EMT) classifications under the Safety category.

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

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,895–N.S.

Consent Calendar

- 2. At-Will Designations: Employee Relations Manager and Assistant to the City Attorney**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,896-N.S. amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classifications of Employee Relations Manager and Assistant to the City Attorney as at-will.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted second reading of Ordinance No. 7,896–N.S.
- 3. Lease Agreement: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,897-N.S. authorizing the City Manager to execute a lease agreement with We Wield The Hammer (WWTH), a 501c3 nonprofit organization to use and occupy 2440 Durant Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin March 1, 2024.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,897–N.S.
- 4. City of Berkeley’s 2024 State and Federal Legislative Platform**
From: City Manager
Recommendation: Adopt a Resolution approving the City of Berkeley’s 2024 State and Federal Legislative Platform.
Financial Implications: See report.
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Adopted Resolution No. 71,205–N.S. with Exhibit A (full list) as revised in Supplemental Communications Packet #2 by Mayor Arreguin and further amended by Councilmembers Hahn and Bartlett at the meeting.

Consent Calendar

5. **Amendments to the Regulations for Alternate Commissioners**

From: City Manager

Recommendation: Adopt a Resolution removing the now dissolved Police Review Commission from the list of designated commissions on which Alternate Commissioners may serve; expanding the list of designated commissions by adding the following five commissions: Community Health Commission, Environment and Climate Commission, Parks, Recreation, and Waterfront Commission, Transportation and Infrastructure Commission, and Zero Waste Commission; adding a new requirement for temporary appointments made to any quasi-judicial commissions to two business days prior to the meeting; and rescinding Resolution No. 67,205-N.S.

Financial Implications: None

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

Action: Adopted Resolution No. 71,206–N.S.

6. **Modifying the 2024 City Council Meeting Schedule**

From: City Manager

Recommendation: Adopt a Resolution modifying the City Council regular meeting schedule for 2024, revising the start time for regular meetings, and rescheduling the April 16, 2024 regular meeting to April 2, 2024.

Financial Implications: None

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

Action: Adopted Resolution No. 71,207–N.S. amended to remove reference to changing the start time of meetings and also to change the new meeting date from April 2 to March 26.

7. **Grant Application: National Endowment for the Arts Grant for up to \$150,000**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the National Endowment for the Arts (NEA) to receive up to \$150,000 for a Civic Arts grant program totaling \$300,000 to be regranted to nonprofit organizations for arts and cultural programming in the City of Berkeley in Fiscal Year 2026; to accept the grant if awarded; and to execute any resulting grant agreements and any amendments.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,208–N.S.

Consent Calendar

- 8. 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 \$69,000 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 - \$69,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,209–N.S.
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 13, 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 - \$90,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 10. Contract: Traditions Behavioral Health for Psychiatry Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with vendor Traditions Behavioral Health to provide psychiatry services through June 30, 2027 in an amount not to exceed \$1,379,400.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,210–N.S.
- 11. Contract: CompuCom Systems, Inc. for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CompuCom Systems, Inc. for professional services for an amount not to exceed \$300,000 through December 31, 2024.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,211–N.S.

Consent Calendar

12. Recommendation on Public Safety/Crime Prevention for Women

From: Commission on the Status of Women

Recommendation: That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.
4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.
5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

Financial Implications: See report

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

Action: Approved recommendation as amended to read as follows.

Refer to the City Manager to analyze and develop recommendations for public safety crime prevention programs to address the current rising crime against women, particularly

Consent Calendar

older women. Refer the concepts below from the Commission on the Status of Women to the FY 2025-26 ("June 2024") Budget process.

Consider the following concepts:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the City Manager should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The City Manager should also identify if an RFP needs be issued for this purpose;
 2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
 3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.
 4. Work with the Commission on the Status of Women and Commission on Aging to organize a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety- related community resources.
 5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.
- 13. RFP for Development of West Berkeley Service Center** *(Continued from January 16, 2024)*
From: Mayor Arreguin (Author), Councilmember Kesarwani (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the City Manager to issue a Request for Proposal (RFP) for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features: -Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City; -Maximizing the number of units under the existing

Council Consent Items

zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019); - A mix of unit sizes, including studios, one-bedroom, and two-bedroom units; -Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve; -A preference for serving seniors and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding.

The City Manager should also consider the feasibility of the following elements in the program design: -Universally designed housing for older adults with a portion of the units for assisted living and memory care; -A board and care facility with a minimum of 20 beds including space for staff and services; -Explore available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.

The issuance of an RFP should be timed to happen soon after funding for the development has been identified.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Kesarwani as follows.

Refer to the City Manager to issue a Request for Proposal (RFP) or Request for Qualifications (RFQ), once a viable local funding source(s) has been identified, for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features:

- Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City;
- Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019);
- A mix of unit sizes, including studios, one-bedroom, and two-bedroom units;
- Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve;
- A preference for serving seniors with cognitive disabilities and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding; and
- A board and care facility with a minimum of 20 beds including space for staff and services, unless it is determined that viable funding sources are not available.

The City Manager should also consider the feasibility of the following elements in the program design:

- Universally designed housing for older adults;
- Consider available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.

The issuance of an RFP should be timed to happen soon after the City has identified local funding for the development that could potentially be made available via the RFP/RFQ.

Council Consent Items

14. Establishing a Black Arts and Culture District in the Adeline Corridor

From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,212–N.S. as revised in Supplemental Communications Packet #2 from Councilmember Bartlett.

Action Calendar – Public Hearings

15. Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to approve a Structural Alteration Permit (SAP) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house; excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Arreguin/Taplin) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Wengraf) to adopt Resolution No. 71,213–N.S. to adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to approve a Structural Alteration Permit (SAP) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house; excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood; modify condition #16 to require the applicant to bring the gymnasium into “good repair” as defined in BMC Section 3.24.290(B) and to submit a plan for the repairs to the gymnasium prior to Landmarks plan check approval of any building permits for new buildings or structures; to strike reference to the gymnasium from condition #15, and dismiss the appeal.

Vote: All Ayes.

Action Calendar – New Business

Action: M/S/Failed (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: Ayes – Kesarwani, Bartlett, Hahn, Arreguin; Noes – Taplin, Harrison, Wengraf, Humbert.

Action: M/S/Carried (Harrison/Taplin) to suspend the rules and extend the meeting to 11:15 p.m.; and to refer Item 16 to the Agenda & Rules Committee for scheduling.

Vote: All Ayes.

Action Calendar – New Business

Urgency Item: Urgency Resolution Establishing a Policy Providing for the Continuance of Council District Constituent Services in the Event of Councilmember Resignation, Death or Expulsion

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

Recommendation: Adopt a Resolution establishing a policy providing for the continuance of District constituent services in the event of Councilmember death, resignation, or expulsion.

Financial Implications: See report

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

Action: M/S/C (Taplin/Kesarwani) to adopt Resolution No. 71,214–N.S. as amended by Councilmember Hahn with the Resolved clauses to read as follows.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that in the event of a vacancy in any Council District, due to resignation, death, or for any other reason, existing staff for such District shall continue in their positions during the interim period, in an at-will status, under the supervision and control of the Office of the Mayor. At such time as a new District Councilmember is sworn into office, such new Councilmember may choose to continue, adjust, or end the employment of any Continuing District Office staff.

BE IT FURTHER RESOLVED that, in the event of a vacancy in the office of the Mayor for any reason, Mayor’s Office staff shall continue in an at-will status, under the same terms as Continuing District Office staff, under the supervision and control of the Vice Mayor or other Interim Mayor.

BE IT FURTHER AND FINALLY RESOLVED that the budget of a vacant Council District Office or of a vacant Mayor’s Office shall be continued as if such Councilmember or Mayor were still in office and shall be managed and disbursed under the direction and control of the Mayor, Vice Mayor or other Interim Mayor, as applicable, to further the purposes of the District or Mayor’s office experiencing a vacancy.

Vote: All Ayes.

16. Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission

From: City Manager

Recommendation: Adopt first reading of an Ordinance to: 1. Repeal Chapter 3.68, Peace and Justice Commission; and, 2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and, 3. Establish the Berkeley Community Action Agency Commission with Chapter 3.70

Financial Implications: See report

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

Action: Referred to the Agenda & Rules Committee for future scheduling.

Information Reports

17. Small Sites Program Update

From: City Manager

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

Action: Received and filed.

18. Bay Area Housing Finance Authority and 2024 Regional Affordable Housing Bond

From: City Manager

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

Action: Received and filed.

Adjournment

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

Vote: All Ayes.

Adjourned at 11:14 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on February 13, 2024.

Mark Numainville, City Clerk

Communications

Item #16: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley

1. Human Welfare Community Action Commission (HWCAC)
2. Peace and Justice Commission (2)
3. Janice Schroeder

Center Street Greenway & Strawberry Creek

4. Kirstin Miller on behalf of Ecocity Builders

Panoramic Hill Emergency Access/Egress

5. Michael Kelly, on behalf of the Panoramic Hill Association

Southside Rezoning

6. Corey Smith

Chess Club

7. Carol Denney

AC Transit

- 8. Sandhya Hermon
- 9. Morry Hermon
- 10. Kabir Hermon
- 11. Arjun Hermon
- 12. Anne-Lise Francois

United Artist Theater

- 13. Laura Fujii
- 14. Robert Wilkinson
- 15. Melanie Lawrence
- 16. Lori Pottinger
- 17. Oakland Heritage Alliance

Israel Military Aid

18. Stephen Slauson

Homelessness

- 19. Tom Wolfman
- 20. Karima Cammell

Tree Removal

21. Carol Denney

Scooter Safety

- 22. Virginia Browning
- 23. Sean
- 24. Cindi Goldberg

EBMUD Repaving

- 25. Greg Couch
- 26. East Bay Municipal Utility District

People's Park

- 27. Sophia Faaland
- 28. Samuel Baker
- 29. 10 similarly-worded form letters

Natural Gas Alternatives

30. G. Richard Raab

Ohlone Bikeway

31. Carol Hirth

Mayor Arreguin

32. Elana Auerbach

33. Kira Findling

Councilmember Robinson

34. Barbara Gilbert

Waterfront Specific Plan

35. Cal Sailing Club

Berkeley Mayoral Candidates

36. Downtown Berkeley Association

Fulton-Woolsey Bike Boulevard

37. Walk Bike Berkeley

38. David Hoffman (2)

39. Valerie Young

No Subject

40. Michele Shipp

Student Project

41. Akshat Pant

Street Paving

42. Kathleen Davis

Downtown Affordable Housing

43. Berkeley Chamber of Commerce

URL's Only

44. Vivian Warkentin (2)

Gaza/Israel

45. Jennifer Fechner

46. Kim Friedman

47. Aaron Katler

48. Eleanor Wang

49. Hillary Kilimnik

50. Anna Henry

51. Moni Law (3)

52. Daniel Frydman

53. Aliza Craimer Elias

54. Rachel

- 55. Susanne DeWitt
- 56. Summer Brenner
- 57. Hillary Kllimnik
- 58. Anna Henry
- 59. Rosie Grady
- 60. Daniel Zilberman
- 61. Diana Bohn
- 62. Candice Schott
- 63. Jon Jackson
- 64. Monika Mann
- 65. Jacob Pincus
- 66. Dorothea Dorenz (3)
- 67. Imtiaz Ghori
- 68. Aaron Katler
- 69. 14 similarly-worded form letters

Supplemental Communications and Reports 1

Urgency Resolution: FY 2024 Business License Tax on Large Non-profits

- 70. Urgency item, submitted by Councilmember Harrison

Item #13: RFP for Development of West Berkeley Service Center

- 71. Supplemental material, submitted by Councilmember Kesarwani and Mayor Arreguin

Item #15: Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate

- 72. Abbas Mash (3)

Item #16: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission

- 73. Janice Schroeder

Supplemental Communications and Reports 2

Item #4: City of Berkeley’s 2024 State and Federal Legislative Platform

- 74. Revised material, submitted by Mayor Arreguin

Item #6: Modifying the 2024 City Council Meeting Schedule

- 75. Kevin Burke
- 76. Phoebe Thomas Sorgen
- 77. Maria Yates
- 78. Alfred Twu (2)
- 79. Negeen Mosaed
- 80. Diana Bohn
- 81. Charlene Woodcock
- 82. Alma Thompson
- 83. Vincent Casalaina
- 84. Cindy Shamban

- 85. James Mcfadden
- 86. Carla Woodworth
- 87. Willie Phillips
- 88. JP Massar
- 89. Russ Greene
- 90. Alexander Stec
- 91. Carol Berkenkotter
- 92. Rob Wrenn
- 93. Larry Snyder
- 94. Sarah Bell, on behalf of East Bay YIMBY

Item #14: Establishing a Black Arts and Culture District in the Adeline Corridor

- 95. Supplemental material, submitted by Councilmember Bartlett

Item #15: Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate

- 96. John Newton

Item #16: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission

- 97. Grace Morizawa, Chair, Peace and Justice Commission
- 98. Nikki Sachs
- 99. Mary-Claire Katz, Human Welfare Community Action Commission

Item: Urgency Resolution Establishing a Policy Providing for the Continuance of Council District Constituent Services in the Event of Councilmember Resignation, Death or Expulsion

- 100. Urgency resolution, submitted by Councilmember Bartlett

Supplemental Communications and Reports 3

Item #4: City of Berkeley’s 2024 State and Federal Legislative Platform

- 101. Sabyl Landrum, on behalf of Clean Slate

Item #6: Modifying the 2024 City Council Meeting Schedule

- 102. Laila Hamidi
- 103. Ann Garrison
- 104. Erika Andersen
- 105. Erin Diehm
- 106. Joe Liesner
- 107. Moni Law
- 108. Ruth Morgan
- 109. Max Ventura
- 110. Aimee Baldwin
- 111. Elana Auerbach
- 112. Avery Arbaugh, on behalf of Cal Berkeley Democrats
- 113. Nikki Sachs

- 114. Chrissy Hoffman
- 115. Erin Diehm
- 116. Tom Luce
- 117. Willie Phillips
- 118. Brennan Robins
- 119. Kaizen8forever@
- 120. Virginia Browning
- 121. Sylvia

Item #15: Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate

- 122. Presentation, submitted by Planning and Development
- 123. Thea Daniels

Item: Urgency Resolution Establishing a Policy Providing for the Continuance of Council District Constituent Services in the Event of Councilmember Resignation, Death or Expulsion

- 124. Barbara Gilbert

Ceremonial Matters

- 125. Presentation: Bay Area Housing Finance Authority

Miscellaneous Communications

- 126. Eids Television – Mohamed Eid Abdallah

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, FEBRUARY 20, 2024

3:00 P.M.

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*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/1601602803>. 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: 160 160 2803. 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.*

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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 public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 3:05 p.m.

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

Absent: Kesarwani, Harrison

Councilmember Kesarwani present at 3:16 p.m.

Public Comment - Limited to items on this agenda only – 1 speaker

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 SECTION 54956.8

Property Addresses: 1423 Ward Street and 1401 Carleton Street, neighboring properties of the Santa Fe Right-of-Way
Agency Negotiators: LaTanya Bellow, City Manager's Office; Scott Ferris and Stacey Rutherford, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley, 1423 Ward Street Property Owners, 1401 Carleton Street Property Owners
Property Owner: City of Berkeley
Under Negotiation: Price and Terms

Action: No reportable action taken.

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

Property Address: APN 060 238200301, Second Street, Berkeley, CA 94710
Agency Negotiators: LaTanya Bellow, City Manager's Office; Peni Basalusalu, Public Works Deputy Director of Operations; Leticia Jauregui, Interim Division Solid Waste and Recycling Manager, Dionne Early, Public Works Real Property
Negotiating Parties: City of Berkeley and Target Corporation
Property Owner: Target Corporation
Under Negotiation: Price and Terms

Action: No reportable action taken.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Renne Public Law Group

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/Taplin) to adjourn the meeting.

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

Adjourned at 4:37 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 20, 2024.

Mark Numainville, City Clerk

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

**Tuesday, February 27, 2024
4:30 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

TELECONFERENCE LOCATION – 301 WEST 17TH STREET, AUSTIN, TX 98701

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – VACANT

DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Less than a quorum of the City Council was present and commenced to receive the presentation. At 5:23 p.m. a quorum of the Council was present and the meeting was called to order.

Roll Call: 5:23 p.m.

Present: Taplin, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 5:27 p.m.

Worksession

1. Berkeley Economic Dashboards Update

From: City Manager

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

Action: 2 speakers. Presentation made and discussion held.

Adjournment

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

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

Adjourned at 5:54 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on February 27, 2024.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Berkeley Economic Dashboards Update

1. Presentation, submitted by the Office of Economic Development

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 27, 2024
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, 94708

TELECONFERENCE LOCATION – 301 WEST 17TH STREET, AUSTIN, TX 98701

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:20 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, 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 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 the 90th Anniversary of Berkeley Student Cooperative
2. Adjourned in Memory of Julia Elkin, Berkeley Resident
3. Presentation from the Health Officer: State of Public Health in Berkeley

City Manager Comments: None

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:32 p.m. – 7:49 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

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

Vote: All Ayes.

Consent Calendar

- 1. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of January 16, 2024 (regular), January 17, 2024 (closed), January 22, 2024 (special) January 23, 2024 (closed and special) and January 30, 2024 (regular)
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 2. Contract No. 31900184 Amendment: Alcor Solutions, Inc. to Expand Services for Intranet Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900184 with Alcor Solutions, Inc., to expand scope to include intranet services.
Financial Implications: None
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,215–N.S.
- 3. Contract No. 105921-1 Amendment - TruePoint Solutions, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$250,000, for a total not-to-exceed amount of \$1,297,200 and extending the term by one year for the term beginning June 1, 2015 to June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,216–N.S.
- 4. Donation: Memorial Bench at Cesar Chavez Park in memory of Charlie Pollack**
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 Cesar Chavez Park in memory of Charlie Pollack.
Financial Implications: Revenue - \$3,400
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,217–N.S.

Consent Calendar

- 5. Contract: West Coast Arborists, Inc. for Tree Removal and Pruning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with West Coast Arborists, Inc. for tree removal and pruning services in an amount not to exceed \$1,500,000 over a period of three years, with an option to renew for two additional years at \$500,000 per year, for a total contract amount not to exceed \$2,500,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,218–N.S.
- 6. Contract: Rincon Consultants for Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rincon Consultants, Inc. in an amount not-to-exceed \$634,000 over a three-year period, to update Berkeley’s General Plan Safety Element, develop a new General Plan Environmental Justice (EJ) Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 71,219–N.S.
- 7. Contract No. 32300057 Amendment: Association for Energy Affordability for Pilot Climate Equity Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32300057 with Association for Energy Affordability for the Pilot Climate Equity Fund, increasing the amount by \$43,556, to a new total contract amount not to exceed \$126,890, and extend the contract through May 30, 2025.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 71,220–N.S.

Consent Calendar

- 8. Accept Energy Efficiency and Conservation Block Grant Program Equipment Voucher**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit an application and an Energy Efficiency and Conservation Strategy to the U.S. Department of Energy (DOE), execute any related revenue agreements and amendments, and accept funds for an equipment voucher from the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program of up to \$174,290 for the two-year period of February 13, 2024 through February 13, 2026.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,221–N.S.
- 9. Contract: (Specification No. 24-11529-C) JJR Construction Inc. for FY 2024 Sidewalk Repair Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the FY 2024 Sidewalk Repair Project; 2) Accepting the bid of JJR Construction Inc. 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 completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$4,246,955.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,222–N.S.
- 10. Contract: (Specification No. 24-11621-C): Bay Pacific Pipeline, Inc. for Virginia Street, Russell Street, et al. Sanitary Sewer Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Sanitary Sewer Project located on Virginia Street, Russell Street, et al., and 2) Accepting the bid of the lowest, responsive and responsible bidder, Bay Pacific Pipeline, Inc., and 2) 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 \$4,828,002, which includes a 10% contingency of \$438,909.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,223–N.S.

Consent Calendar

11. **Contract (Specification. No. 24-11645-C): Koios Engineering, Inc. for Urgent Sewer Repair FY2024 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Urgent Sewer Repair FY2024 Project; 2) Accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; 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, in an amount not to exceed \$465,187, which includes a 10% contingency of \$42,289.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,224–N.S.
12. **Reject Bids – FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,225–N.S.

Council Consent Items

13. **Resources to Plan for Future Health Care Access for Berkeley Residents**
From: Mayor Arreguin (Author), Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Allocate \$300,000 from the General Fund for legal and/or other technical expertise as may be needed to identify/evaluate existing or potential opportunities to secure the future of healthcare and hospital access for the people of Berkeley.
Funds should be used to broadly explore healthcare needs of the entire Berkeley community, now and in the coming decades, including the needs of low income communities and communities of color, the elderly, youth, women, and other groups that have lower health and life-expectancy outcomes and/or have specialized healthcare needs; and healthcare facilities, programs, and other assets that are and/or can be accessible to Berkeley residents in the coming years
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Humbert added as a co-sponsor. Approved recommendation.
Vote: Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Kesarwani.

Council Consent Items

14. **Referral to the City Attorney: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street From: Councilmember Bartlett (Author)**

Recommendation: Refer the City Attorney to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.

Financial Implications: See report

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

Action: Approved recommendation.

Action Calendar – Public Hearings

15. **ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081 From: City Manager**

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2023-0081 to install an unenclosed hot tub in the rear yard.

Financial Implications: Nione

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Humbert) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Humbert/Hahn) to adopt Resolution No. 71,226–N.S. affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit #ZP2023-0081 to install an unenclosed hot tub in the rear yard, and dismissing the appeal.

Vote: All Ayes.

Action Calendar – Public Hearings

16. Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending Title 23 of the Berkeley Municipal Code to streamline and clarify the permitting process for small businesses in commercial districts (“C-Prefixed”), select manufacturing (“M-Prefixed”) districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers. M/S/C (Arreguin/Taplin) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,898–N.S. Second reading scheduled for March 12, 2024. Referred to the City Manager a request to develop regulations and performance standards to mitigate noise impacts for Group Class Instruction uses.

Vote: All Ayes.

Information Reports

17. FY 2024 First Quarter Investment Report: Ended September 30, 2023

From: City Manager

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

Action: Received and filed.

18. State of Public Health in Berkeley Summary Report

From: City Manager

Contact: Anju Goel, Health, Housing, and Community Services, (510) 981-5400

Action: Received and filed.

19. LPO NOD: 2113-2115 Kittredge Street/#LMSAP2022-0011

From: City Manager

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

Action: Received and filed.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:26 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on February 27, 2024.

Mark Numainville, City Clerk

Communications

Item #15: ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081

1. Homayoon Kazerooni

ZAB Appeal: 2113-2115 Kittredge Street

2. Adams Broadwell Joseph & Cardozo

United Artist Theater at 2274 Shattuck

3. Deborah Chalfie
4. Kay Weinstein
5. David Brandon
6. Stuart Hyde
7. Elizabeth LaBarre

Crime and Police Matters

8. Sunwalk10@
9. Shellie Wharton
10. Miles Morris Walker

Council Chambers/Councilmembers

11. Rod Gutierrez
12. Kelsi Pertual
13. Justin Lee
14. Vivian Pisano

Tree Removal

15. Ken Jung, Transportation Department
16. Carol Denney

Property Taxes

17. Pauline Wallace (2)

PG&E Rate Increases

18. Patrick Golier

Pedestrian Safety

19. Sophie Johnson

McNair's Donated Items Taken

20. Moni Law

21. Paul Kealoha Blake

Fulton-Woolsey Bike Boulevard

22. Charles Siegel (2)

23. Ken Jung, Transportation Department (2)

24. Councilmember Harrison

25. Megan Wachspres

26. David Hoffman (5)

27. Justin Baldwin

28. Matt Weber

29. Dan A.

30. Emily McAfee

31. Ben Hays

Restaurant Inspections

32. David Lerman

Berkeley Marina

33. Tahirah Rasheed

Refuse Services Blocking Driveway

34. Dan Bristol

Middle Housing

35. Jonathan Singh

36. D. Scott Phoenix

37. Amanda Le

Chavez Park Air Quality

38. Martin Nicolaus, on behalf of the Chavez Park Conservancy

39. Carol Denny

Berkeley Unified School District

40. Dorothea Dorenz

Street Paving

41. Barbara Gilbert

Anti-Discrimination Ordinance

42.6 similarly-worded form letters

Golden Duplex Rent Control

43. Lauren Schiller

People's Park

44. Moni Law (2)

Gaza and Israel

45. Micky Duxbury

46. Jon Jackson

47. Rainbow Alvarez

48. Naz Akbaroff

49. Nazanin Badakhsh

50. Dena Al-Adeeb

51. Michael Fullerton

52. Kelsi Pertula

53. Aaron Kalter

54. Anna Henry

55. Russbumper (2)

56. Nikki Roach

57. Anna Henry

58. Barbara Erickson

59. Gregory Kalkanis

60.6 similarly-worded form letters

URL's Only

61. Vivian Warkentin

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #15: ZAB Appeal: 2924 Russell Street, Administrative Use Permit #ZP2023-0081

62. Presentation, submitted by Planning and Development

Item #16: Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

63. Presentation, submitted by Office of Economic Development

64. Liz Lisle, on behalf of the Shotgun Players

Item #18: State of Public Health in Berkeley Summary Report

65. Presentation, submitted by Health, Housing, and Community Services

Item #19: LPO NOD: 2113-2115 Kittredge Street/#LMSAP2022-0011

66. Dale Sophia

Miscellaneous Communications

67. Versus Mitsubishi, submitted by Eids Television

68. Path to Humanity, submitted by Travis Castle

MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Thursday, February 29, 2024
3:00 PM**

CYPRESS ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708
TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

*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/1615877380>. 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: 161 587 7380**. 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.*

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 public participation may be addressed to the City Clerk Department (510) 981-6900. 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.

Preliminary Matters

Roll Call: 3:05 p.m.

Present: Kesarwani, Bartlett, Hahn, Wengraf, Humbert, Arreguin

Absent: Taplin

Councilmember Taplin present at 3:11 p.m.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 6 speakers.

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

Vote: All Ayes.

Consent Calendar

1. **Calling for a Special Municipal Election to fill the City Council District 4 Vacancy**

From: City Manager

Recommendation: Adopt a Resolution: a) Calling for a Special Municipal Election to be held in Berkeley to fill the City Council District 4 vacancy; b) Requesting that the Alameda County Board of Supervisors authorize the Registrar of Voters to provide election administration services for the special election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,227–N.S.

Adjournment

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

Vote: All Ayes.

Adjourned at 3:37 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on February 29, 2024.

Mark Numainville, City Clerk

Communications

Item #1: Calling for a Special Municipal Election to fill the City Council District 4 Vacancy

1. Associated Students University of California (ASUC)
2. Sky Ocean (2)

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Calling for a Special Municipal Election to fill the City Council District 4 Vacancy

3. Associated Students University of California

