

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, November 14, 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. If you are feeling sick, please do not attend the meeting in person.

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*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/1617610462> 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: 161 761 0462**. 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: 6:34 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, 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 Lung Cancer Awareness Month
2. Recognition of Dr. Susan Muscarella, Founder of the Jazz School
3. Presentation: AC Transit Realign Process

City Manager Comments:

The City Manager discussed the City's commitment to respond to SEIU's concerns and maintaining a good partnership with the City's represented employees.

The City will host meetings on the Reimagining Public Safety program and violence prevention measures in the City.

Public Comment on Non-Agenda Matters: 20 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to continue the public hearings and all pending agenda items to a special meeting on November 21, 2023.

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

Consent Calendar

- 1. Contract No. 090741-1 Amendment: Foster and Foster Consulting Actuaries Inc (formerly Bartel Associates, LLC) for Actuarial Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 090741-1 increasing contract amount by \$370,000 with Foster and Foster Consulting Actuaries Inc (formerly Bartel Associates, LLC) for Actuarial Consulting Services, for a revised total contract amount not to exceed \$750,000 through December 31, 2025.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: Continued to November 21, 2023 special meeting.
- 2. Resolution of Intention - Expansion of the Elmwood BID for Calendar Year 2025**
From: City Manager
Recommendation: Adopt a Resolution declaring the City Council's intention to levy an assessment in the Elmwood Business Improvement District ("BID" or "District") for 2025 and directing the City Clerk to schedule a public hearing for January 16, 2024 regarding an expanded district boundary and assessment rates for 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Continued to November 21, 2023 special meeting.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 14, 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: Various Funds - \$2,453,813
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Continued to November 21, 2023 special meeting.
- 4. Dorothy Day House Contract Amendment No. 31900284 to fund an Inclement Weather Shelter Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900284 with Dorothy Day House (DDH) to add up to \$290,000 to operate the 2023-2024 inclement weather shelter for a total contract amount not to exceed \$6,549,173.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Continued to November 21, 2023 special meeting.

Consent Calendar

- 5. Contract: Mercury Associates, Inc. for Fleet Replacement/Maintenance Study and Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Mercury Associates, Inc. to complete a fleet assessment, right sizing study, and fleet consulting services for a total amount not to exceed \$125,000 for the contract period of December 1, 2023 through December 30, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Continued to November 21, 2023 special meeting.
- 6. Purchase Order: Western Truck Parts and Equipment for One Roll Off Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorize the City Manager to execute a purchase order for one (1) Roll Off Truck with Western Truck Parts and Equipment in an amount not to exceed \$335,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Continued to November 21, 2023 special meeting.
- 7. Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the multi-year purchase order with Diesel Direct West, Inc. for the purchase of fuel for City vehicles and emergency equipment (including generators,) increasing the combined amount by \$400,000 for a total not-to-exceed amount of \$11,894,000, through February 28, 2024.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Continued to November 21, 2023 special meeting.

Council Consent Items

8. **Budget Referral: Berkeley Junior Jackets Facilities Expenses**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the Annual Appropriations Ordinance #2 process \$7,000 to provide Young Lives Matter Foundation, Inc. the necessary funds for the Berkeley Junior Jackets youth sports program's operating expenses associated with the use of Berkeley Unified School District facilities.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Wengraf added as a co-sponsor. Continued to November 21, 2023 special meeting.

9. **Memorandum of Understanding for East Bay Hills Regional Wildfire Prevention and Coordination**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a resolution authorizing the City of Berkeley to enter into a Memorandum of Understanding (MOU) with other jurisdictions in Alameda and Contra Costa Counties to form a Wildfire Prevention Coordinating Group (WPCG) to improve regionwide collaboration to reduce wildfire risk.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Councilmember Humbert added as a co-sponsor. Continued to November 21, 2023 special meeting.

Action Calendar – Public Hearings

10. **Renewal of the Elmwood Avenue BID for Calendar Year 2024**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") and, if no majority protest exists, levy annual assessments in the District for calendar year 2024 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: Public Hearing continued to November 21, 2023 special meeting.

Action Calendar – Public Hearings

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

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2023-2024 and, if no majority protest exists, levy annual assessments in the District for calendar year 2024 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report

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

Action: Public Hearing continued to November 21, 2023 special meeting.

12. Amendments to the Berkeley Election Reform Act to ensure consistency within the Act for cost of living adjustments and committee reporting requirement thresholds

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) amend provisions related to filing requirement thresholds to be consistent with recent amendment to qualification threshold for committees ; and (2) add two dollar amount thresholds to the list of amounts subject to cost of living adjustments in order to maintain consistency with other associated amounts.

Financial Implications: See report

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: Public Hearing continued to November 21, 2023 special meeting.

Action Calendar – Public Hearings

13. Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update
2. Adopt a Resolution:
 - a. Adopting an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR); and
 - b. Approving and adopting General Plan map and text amendments to re-designate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.
3. Refer to the City Manager to analyze prevailing wage requirements, as recommended in Planning Commission’s letter dated September 15, 2023; and refer a budget allocation of \$50,000 for this project to the FY2025 budget process.

Financial Implications: See report

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

Action: Public Hearing continued to November 21, 2023 special meeting, including Supplemental material in Supplemental Communications Packet #2 from Councilmember Hahn.

Information Reports

14. Measure O Bond Impacts on Affordable Housing Development in Berkeley

From: City Manager

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

Action: Continued to November 21, 2023 special meeting.

15. LPO NOD: 60 Panoramic Way, #LMIN2023-0001

From: City Manager

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

Action: Continued to November 21, 2023 special meeting.

16. LPO NOD: 803 Delaware Street, LMSAP2023-0002

From: City Manager

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

Action: Continued to November 21, 2023 special meeting.

17. **LPO NOD: 1960 San Antonio Avenue/645 Arlington Avenue, #LMSAP2022-0005**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Continued to November 21, 2023 special meeting.
18. **LPO NOD: 2113-2115 Kittredge Street/#LMSAP2022-0011**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Removed from the Agenda by the City Manager.
19. **Planning Commission Fiscal Year 2023-24 Work Plan**
From: Planning Commission
Contact: Alisa Shen, Commission Secretary, (510) 981-7400
Action: Continued to November 21, 2023 special meeting.

Adjournment

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

Vote: All Ayes.

Adjourned at 8:48 p.m.

Communications

Hopkins Street

1. Mariya
2. S. Entwistle

Ashby BART Housing

3. Jack Kurzweil
4. Sharon Rose
5. Vincent Casalaina
6. Tobey Wiebe
7. Sonya Dublin
8. Jane Scantlebury
9. Paola Laverde

Integrating Public Art into the Waterfront Specific Plan

10. Civic Arts Commission

Berkeley Robberies

11. Dave Libby, on behalf of Assembly Builders

Tenant Opportunity To Purchase Act

12. Matt Gustafson

Police Accountability Board (PAB) Memo

13. Hansel Aguilar, Director of PAB

Japan Wastewater

14. Grace Morizawa, Chair, Berkeley Peace and Justice Commission (2)

Human Feces

15. Todd Jersey

Alameda County Transit Redistricting Plan

16. Alfred Twu

National Sandwich Day

17. Sonia Anand Rodrigues

Miyawaki Forest

18. Melinda Howard-Herrarte, on behalf of the Sierra Club

Mari Mendonca to Berkeley Housing Board

19. Berkeley Tenants Union

Chicago's Municipal Grocery Store

20. Russell Bates

Cannabis Policy

21. Getting It Right from the Start

Encampment Policy

22. John Caner, on behalf of the Downtown Berkeley Association

23. Carole Marasovic

Hate Speech and Hate Crime

24. Karen Weil

Israel and Palestine

25. Amy Cummings

26. Barbara Gilbert

27. Russell Bates

28. Virginia Browning

29. Luqman Saib

Ceasefire Now

30. 49 similarly-worded form letters

Stand with Palestine

31. 40 similarly-worded form letters

Supplemental Communications and Reports 1

Item #13: Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

32. Jan Pardoe

33. Amanda Le

Supplemental Communications and Reports 2

Item #13: Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

34. Supplemental material, submitted by Councilmember Hahn

35. Sabina McMurtry

36. Janice Schroeder

37. Jennifer Ware

38. Ingrid Crickmore

39. Carlos Hill and Family

40. Louise Palmer

41. Joe Michael

42. Madeleine Shearer

43. Jwalsh525

44. Reva Murphy

45. Marilyn Poundstone

46. Andrew Nimmo

47. Emily Earl

48. Alfred Twu

49. eaa@

50. Aaryaman Singhal

51. Andre Soucy

52. Tyler Kennedy

53. Mike Dunham

54. Jonathan Singh

55. MacKenzie Smith

56. Sara Hager

57. Oren Cheyette

58. Andre Pegeron

59. Gabriel Lesser

60. Max Davis

61. Adam Buchholz

62. Kate Pocrass

63. David Ying

64. Ben Pearce

65. Oskar

66. Tommaso Sciortino

67. Glenn Alex
68. Andrea Jones
69. David Miller
70. Samuela Evans
71. Salim Damerджи
72. Carl McPherson
73. Molly Miller
74. Matt Blomquist
75. Marc Hedlund
76. Jeannette MacMillan
77. Joaquin Carbonell
78. Barbara Fisher
79. Devin Rand
80. S. Entwistle
81. Jordan Burns
82. Melanie Lawrence and John Smail
83. Milo Trauss
84. Hanah Goldov
85. Jeffrey Baker
86. Lee Bishop
87. Emily McAfee
88. Chris Lee-Egan
89. Sally Greenspan
90. 15 similarly-worded form letters (Postpone)
91. 15 similarly-worded form letters (Strong support)

Supplemental Communications and Reports 3

Item #8: Budget Referral: Berkeley Junior Jackets Facilities Expenses

92. Esther Brass

Item #13: Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

93. Aviv Schifrin
94. Grayson Peters
95. Laura Fantone
96. Linsy Damashek
97. Alok
98. Chris Batson
99. Paul Bickmore
100. David Mendelsohn
101. Sabin Ray
102. Ross Bernet
103. Tess Fruge
104. Timothy Ross

- 105. Gael Alcock
- 106. Jason
- 107. Avery Arbaugh
- 108. S. Entwistle
- 109. Stephen Woodrow
- 110. Jordan
- 111. David Shiver, on behalf of Southside Neighborhood Consortium
- 112. Tim Cluvahouse
- 113. Florance Zhang

Miscellaneous Communications

Council Meeting Disruptions

- 114. Todd Andrew
- 115. Barbara Gilbert
- 116. Stephen Woodrow

Ceasefire

- 117. Mr. Eid

Bus Service Proposals

- 118. Realign