



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 30, 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

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/1600654738>. 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: **160 065 4738**. 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:

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: *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.

Recess Items

- 1. Purchase Order: With Motorola for Firehouse Alerting System Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Motorola for an amount not to exceed \$175,000 through July 31, 2024 for the purchase of equipment necessary to complete the emergency firehouse alerting retrofit project.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 2. Reject All Bids and Negotiate with Contractors for the Berkeley Fire Station Landscape Project, Specification No. 24-11622-C**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate with contractors for the work associated with the Berkeley Fire Station Landscape Project Specification No. 24-11622-C.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

- 3. Prevailing Wage Requirements in the Southside Plan Area; Adding Berkeley Municipal Code Chapter 13.108**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,893-N.S. amending Berkeley Municipal Code Title 13 to add Chapter 13.108 --Prevailing Wage Requirements in the Southside Plan Area to establish prevailing wage requirements for projects exceeding 50 units or 50,000 square feet in the Southside Plan Area.
First Reading Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Kesarwani.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 4. Expansion of the Elmwood Business Improvement District, Levy Assessments in the District for 2025, and Authorize a Contract with the Elmwood Business Association (EBA) to receive assessment revenue**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,894-N.S. expanding the Elmwood Business Improvement District, amending Chapter 7.84 of the Berkeley Municipal Code (BMC) originally adopted by Ordinance No. 6,164-N.S.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 30, 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 - \$200,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 6. Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents in Berkeley's Very High Fire Hazard Severity Zone**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to the amount of \$1.1 Million to implement a defensible space program for residents of Berkeley's Very High Fire Hazard Severity Zone.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 7. State Homeland Security Grant Program Application to Implement CAD to CAD Interface between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and manage a grant for the CAD to CAD (computer-aided dispatch) Interface Project between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center, with a total project cost of \$99,600. This project is crucial for enhancing communication and coordination between agencies.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

**8. Contracts: As-Needed Hazardous Fire Fuel Treatment with Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service
From: City Manager**

Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from February 1, 2024, to January 30, 2028, for a total cumulative amount not to exceed \$4,000,000:

1. Julian Tree Care in the amount of \$1,000,000;
2. Professional Tree Care in the amount of \$1,000,000;
3. West Coast Arborist Inc. in the amount of \$1,000,000; and
4. West Coast Tree Service in the amount of \$1,000,000.

Financial Implications: See report

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

**9. Revenue Contract: 2024 Community Services Block Grant
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept Community Service Block Grant (CSBG) Contract Number 24F-3001 for the amount of \$299,495, and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change the contract term, or to update contract terms, to provide low-income services for the time period January 1, 2024 to May 31, 2025, with the option to extend the contract period as amended by the California State Department of Community Services and Development.

Financial Implications: See report

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

**10. Revenue Grant Agreement: Funding Support from the State of California Tobacco Control Program to Conduct Public Health Services
From: City Manager**

Recommendation: Adopt Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tobacco Control Program in the projected total amount of \$300,000 for Fiscal Year 2025.

Financial Implications: See report

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

Consent Calendar

- 11. Expenditure Contract: Alameda County Public Health Department (Office of Dental Health) to Provide Dental Services to the Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Alameda County in an amount not to exceed \$159,000 to provide dental services in Berkeley Unified School District for the period July 1, 2024 through June 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Expenditure Contract: Berkeley Free Clinic for Laboratory Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with the Berkeley Free Clinic (BFC) for laboratory services, in an amount not to exceed \$150,000 for the period July 1, 2024 through June 30, 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional \$30,000 for a total not to exceed amount of \$158,315 through March 4, 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 14. Contract No. 32300112 Amendment: Harold Dichoso for COVID-19 Outreach and Education**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso for COVID-19 outreach and education, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$20,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$125,000 to \$145,000.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

15. **Martin Luther King Jr. House Request for Proposals Recommendation**

From: City Manager

Recommendation: Adopt a Resolution to: 1. Approve the transfer of Martin Luther King Jr.(MLK) House from Resources for Community Development to Insight Housing, including obligations under the City's existing loan and regulatory agreements; and 2. Extend the previously approved \$1,178,974 funding reservation for MLK House and transfer that reservation to Insight Housing; and 3. Reserve an additional \$822,014 from the Housing Trust Fund program to support Insight Housing's renovation of the property; and 4. Waive Sections I.A.1 and IV.C.1 of the Housing Trust Fund Guidelines. 5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.

Financial Implications: See report

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

16. **Grant for 1741-1747 Russell Street**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to redirect \$95,625, the amount of transfer tax recently paid for 1741-1747 Russell Street, from the General Fund to Insight Housing (Insight) to support the renovation of the property.

Financial Implications: See report

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

17. **At-Will Designations: Employee Relations Manager and Assistant to the City Attorney**

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance 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, and
2. Adopt a Resolution authorizing amendments to the Unrepresented Employee Manual and all other pertinent documents to effectuate the change; approving a 5% salary differential for the Employee Relations Manager classification, to be set forth in the Unrepresented Employee Manual; and modifying the Employee Relations Manager job specification to state that the incumbent "may act as department head in the absence of the Director of Human Resources."

Financial Implications: See report

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

Consent Calendar

- 18. Donation: Memorial Bench at Cesar Chavez Park in memory of Samuel Lepie Hallward**
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 Samuel Lepie Hallward.
Financial Implications: \$3,400 in revenue.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 19. Contract No. 31900143 Amendment: Passport Labs Incorporated for a Parking Management System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900143 and any necessary future amendments with Passport Labs Inc. to provide a Parking Management System for an additional two-year contract extension beyond the current contract expiration date of February 4, 2024, and to approve additional appropriations for the performance of this contract.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 20. Contract: CESCORP, dba Cal Elite Builders for Corp Yard City Fleet EV Charger Project. Specification No.23-11546-C**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Corp Yard City Fleet EV Charger Project (Project)., Specification No. 23-11546-C; 2. Accepting the bid of CESCORP, dba Cal Elite Builders 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, for an amount not to exceed \$814,680.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
- 21. Contract: CESCORP, dba Cal Elite Builders & Cal Electric for the Central Library HVAC Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Central Library HVAC Replacement Project, Specification No.23-11600-C; 2. Accepting the bid of CESCORP, dba Cal Elite Builders & Cal Electric 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, for an amount not to exceed \$1,566,000, which includes a contingency of \$261,000.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

- 22. Contracts: On-Call Construction and Project Management Services: Hollins Consulting, Inc., Kitchell/CEM, Inc., and O'Connor Construction Management, Inc.**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction management and project management services (CM/PM) for capital improvement projects, each for the period of January 1, 2024 through June 30, 2025:

1. Hollins Consulting, Inc. (Hollins), for an amount not to exceed \$2,800,000.
2. Kitchell/CEM, Inc. (Kitchell), for an amount not to exceed \$2,800,000.
3. O'Connor Construction Management, Inc. (OCMI), for an amount not to exceed \$2,800,000.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

- 23. Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project**

From: City Manager

Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building; 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 terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$311,348, which includes a contingency of \$29,045.

Financial Implications: Capital Improvement Fund - \$311,348

Contact: Andrew Murray, Public Works, (510) 981-6300

- 24. Contract No. 108007-1 Amendment: Don's Tire Services, Inc. for Tire Repair Services for City Fleet Vehicles**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles in the amount of \$650,000 for a total not-to-exceed amount of \$1,073,534 and extend the contract through the June 30, 2025.

Financial Implications: See report

Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

25. Lease Agreement: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease 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.

Financial Implications: See report.

Contact: Andrew Murray, Public Works, (510) 981-6300

Council Consent Items

26. City Council Committee and Regional Body Appointments

From: Mayor Arreguin

Recommendation: Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2025 or until new appointments are made.

Financial Implications: None

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

27. Support for ACA 4 Elections: Eligibility to Vote

From: Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt a resolution in support of Assembly Constitutional Amendment 4 (Bryan), which would repeal a constitutional requirement disqualifying electors incarcerated for felony convictions, and send a copy of the resolution to Assemblymembers Isaac Bryan and Buffy Wicks, and State Senator Nancy Skinner.

Financial Implications: None

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

28. Request by Resolution that PG&E Underground Utilities in Berkeley's VHFHSZ

From: Councilmember Wengraf (Author), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)

Recommendation: Adopt a Resolution urging PG&E to underground utility wires in Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ) to mitigate wildfire risk and limit evacuation and ingress obstruction. Send the Resolution to PG&E CEO Patti Poppe, the California Public Utilities Commission (CPUC), the Office of Energy Infrastructure Safety, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Governor Gavin Newsom and Senator Mike McGuire, author of SB 884. Request the City Manager issue a press release about this Resolution as a critical Public Safety matter.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

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.

Council Action Items

29. **Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime**

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

Recommendation: In order to deter violent crime and obtain evidence to solve criminal investigations, adopt the following recommendations:

1. Authorize the City Manager to install additional security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime and/or which include arterial streets offering entry/exit points for Berkeley.

2. Refer costs for security cameras and lighting to the next budget process.

Security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.

Priority intersections for security camera installation would include: -Alcatraz and College; -Woolsey and Telegraph; -Woolsey and Shattuck; -Alcatraz and Adeline; and -Alcatraz and Sacramento.

Financial Implications: See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Information Reports

30. *****Removed from Agenda by City Manager*** 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
31. **LPO NOD: 2119 Marin Avenue, #LMSAP2023-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
32. **LPO NOD: 910 Indian Rock Avenue, #LMIN2023-0002**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

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 January 18, 2024.***

A handwritten signature in black ink that reads "Mark Numainville".

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](#).*

### **Supportive Housing**

1. David Lerman

### **Stop Sign Added**

2. Theo Posselt

### **Tibetan Flag Ceremony**

3. Tenzin Tsering, on behalf of the Tibetan Association of Northern California (2)

### **Lack of Berkeley Businesses**

4. Marnie Hatch

### **Berkeley Police Matters**

5. Tenzin Jimenez

### **Residential Parking Permits**

6. Ian Goodman

### **American Democracy**

7. Vivian Warkentin

### **San Francisco Bay Ferry**

8. Lauren Gularte, on behalf of Water Transit

### **Reparations**

9. Aden Ishii

### **Port of Oakland**

10. Danny Wan, on behalf of Port of Oakland

### **Brown Act**

11. Jonathan Weissglass

12. Juan Carlo

### **Chronicle**

13. Marc Sapir

### **Councilmember Robinson**

14. Toni Mester

### **URL's Only**

15. Vivian Warkentin (3)

### **People's Park**

16. Jack Kurzweil

17. Sylvia

18. Jill Polsby

19. Moni Law (2)

20. Joty Dhaliwal

21. Summer Brenner (2)

22. Max Ventura

23. Arthur Stopes

24. Justin Lee

25. Leslie Firestone

26. Richard Crago

- 27. Sky Ocean
- 28. Owen Martin Zuidema

**Gaza and Israel**

- 29. Jack Kurzweil (3)
- 30. Linda and Stanley Wulf
- 31. Sandy Slauson
- 32. Karen Davis
- 33. Jane White
- 34. Stephanie Thomas
- 35. Cynthia Moore
- 36. Michael Weber (2)
- 37. Sally Nelson
- 38. Gael Alcock
- 39. Summer Brenner (2)
- 40. Mary Ann Gallagher
- 41. Jocelyn Goldsmith
- 42. Stephanie Allan
- 43. Barbara Erickson (2)
- 44. Jamie Cooney
- 45. Esha Potharaju
- 46. Summer Brenner
- 47. Diana Bohn
- 48. Dahlia Frydman
- 49. Elinor Tamari
- 50. Michael Kaye
- 51. Mincers.shroud.0k@
- 52. Noga Alon
- 53. Deborah Green
- 54. June Safran
- 55. Barbara Schick
- 56. Elana Auerbach
- 57. Esther Brass-Chorin
- 58. Allen Mayer
- 59. Dorit Dorenz
- 60. Doreet Stein
- 61. Robert Bonem
- 62. Peggy Scott
- 63. 5 similarly-worded form letters

## **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.



Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
 January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Purchase Order: With Motorola for firehouse alerting system equipment

**RECOMMENDATION**

Adopt a Resolution authorizing the City Manager to issue purchase orders with Motorola for an amount not to exceed \$175,000 through July 31, 2024 for the purchase of equipment necessary to complete the emergency firehouse alerting retrofit project.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

Any delay in this purchase places the city at risk of experiencing a catastrophic failure of the existing, unsupported firehouse alerting system.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding is available through Measure GG and Measure FF.

**CURRENT SITUATION AND ITS EFFECTS**

The Fire Department (Department) is in the middle of an emergency replacement of the alerting system in all of the city's firehouses. Staff were just informed that a critical piece of equipment (a dispatch console and accessories) must be purchased in order to complete the project and transition to the replacement firehouse alerting system.

**BACKGROUND**

The Department is in the middle of an emergency replacement of the alerting system in all of the city's firehouses with installation complete in five (5) of seven (7) facilities. This system alerts responders over 17,000 times per year of the need to respond to a call for help - a critical piece of the city's 911 system. The current system was failing and the vendor unexpectedly went out of business in 2023 leaving the city with no way to repair the failing system. Council authorized a replacement of the system on June 27, 2023 through resolution No. 70,903-N.S.

The new firehouse alerting system is activated through the city's radio communication infrastructure which is part of the East Bay Regional Communication System Authority (EBRCSA), a shared communications system which was designed to integrate all radio communications amongst the different public safety groups in Alameda and Contra

Costa County. A system of this magnitude was complicated and difficult to build with few companies willing to respond to the Request for Proposal (RFP). The initial Contract for the two-county radio system was done through RFP, via Contra Costa County, and Motorola was the only respondent to the RFP. The design and build of the system were reviewed by an independent engineering firm which supported the proposal for EBRCSA and the contract was awarded to Motorola Solutions Inc. based on the review of the response to the RFP.

The dispatch consoles which are used by the City of Berkeley are produced exclusively by Motorola and are the only consoles which can be used on the EBRCSA.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no known impacts.

RATIONALE FOR RECOMMENDATION

This equipment is required to complete the emergency firehouse alerting system replacement project and is required for the system to properly function.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

David Sprague, Fire Chief, Fire Department, (510) 981-3483

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

REJECT ALL BIDS AND NEGOTIATE WITH CONTRACTORS FOR THE BERKELEY  
FIRE STATION LANDSCAPE PROJECT, SPECIFICATION NO. 24-11622-C

WHEREAS, the Department is in the middle of an emergency replacement of the alerting system in all of the city's firehouses with installation complete in five (5) of seven (7) facilities, and

WHEREAS, this system alerts responders over 17,000 times per year of the need to respond to a call for help - a critical piece of the city's 911 system, and

WHEREAS, the current system was failing and the vendor unexpectedly went out of business in 2023 leaving the city with no way to repair the failing system, and

WHEREAS, Council authorized a replacement of the system on June 27, 2023 through resolution No. 70,903-N.S., and

WHEREAS, staff were just informed that a critical piece of equipment (a dispatch console and accessories) must be purchased in order to complete the project and transition to the replacement firehouse alerting system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to issue purchase orders with Motorola for an amount not to exceed \$175,000 through July 31, 2024 for the purchase of equipment necessary to complete the emergency firehouse alerting retrofit project.





Office of the City Manager

**RECESS ITEM**  
**CONSENT CALENDAR**  
 January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Reject All Bids and Negotiate with Contractors for the Berkeley Fire Station Landscape Project, Specification No. 24-11622-C

**RECOMMENDATION**

Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate with contractors for the work associated with the Berkeley Fire Station Landscape Project Specification No. 24-11622-C.

**NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS**

The cost of construction continues to rise and every month we delay may result in a more expensive implementation cost to the City. Additionally, the Department is working to have this project completed prior to the 2024 Defensible Space Inspection program launches to provide an example garden to residents, a delay until January would make this extremely challenging to achieve.

**FISCAL IMPACTS OF RECOMMENDATION**

Funding is available through Measure FF.

**CURRENT SITUATION AND ITS EFFECTS**

The Berkeley Fire Station Landscape Project was advertised for bids on September 20, 2023 and bids were opened on October 26th, 2023. The Berkeley Fire Department received three bids for the project. All contractor bids are higher than available funding and therefore the project cannot proceed. Staff recommends that Council reject all bids and authorize the Berkeley Fire Department to negotiate with all contractors who have provided a bid proposal for this project.

**BACKGROUND**

The Berkeley Fire Landscape Project will provide residents examples of Fire Safe gardening practices that are compliant with the Fire Code and best practices, including Zone 0 (0-5 feet from a structure). Defensible space acts as a buffer around structures from wildfire and embers. They are intentionally planned areas that reduce the danger of ignition during a wildfire and allow firefighters a better chance of protecting a home.

There are very few properties in Berkeley that have implemented model Defensible Space practices. This is partly due to a lack of landscape architects and contractors that have experience with this type of design in the East Bay. This project represents one of the ways that the City can help residents understand some examples of what right looks like.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All construction shall conform to the 2019 California Building, Fire, Mechanical, Plumbing, Electrical, Energy Code, California Building Code and Green Building Code.

RATIONALE FOR RECOMMENDATION

The City is not able to accept the contractor bids because it exceeds the City's available funding for the project. The City does not have the in-house labor or equipment resources to complete this landscape project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

David Sprague, Fire Chief, Fire Department, (510) 981-3483  
Jesse Figoni, Fire Inspector

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

REJECT ALL BIDS AND NEGOTIATE WITH CONTRACTORS FOR THE BERKELEY  
FIRE STATION LANDSCAPE PROJECT, SPECIFICATION NO. 24-11622-C

WHEREAS, the Berkeley Fire Landscape Project will provide residents examples of Fire Safe gardening practices that are compliant with the Fire Code and best practices, including Zone 0 (0-5 feet from a structure). Defensible space acts as a buffer around structures from wildfire and embers. They are intentionally planned areas that reduce the danger of ignition during a wildfire and allow firefighters a better chance of protecting a home; and

WHEREAS, there are very few properties in Berkeley that have implemented model Defensible Space practices. This is partly due to a lack of landscape architects and contractors that have experience with this type of design in the East Bay. This project represents one of the ways that the City can help residents understand some examples of what right looks like; and

WHEREAS, the Berkeley Fire Station Landscape Project was advertised for bids on September 20, 2023 and bids were opened on October 26, 2023. The Berkeley Fire Department received three bids for the project. All contractor bids are higher than available funding and therefore the project cannot proceed. Staff recommends that Council reject all bids and authorize the Berkeley Fire Department to negotiate with all contractors who have provided a bid proposal for this project; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to reject all bids and direct staff to negotiate with contractors for the work associated with the Berkeley Fire Station Landscape Project Specification No. 24-11622-C.



ORDINANCE NO. 7,893-N.S.

ADOPTING CHAPTER 13.108 OF THE BERKELEY MUNICIPAL CODE  
PREVAILING WAGE REQUIREMENTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Chapter 13.108 is hereby added to the Berkeley Municipal Code to read as follows:

**Chapter 13.108**

**PREVAILING WAGE REQUIREMENTS IN SOUTHSIDE PLAN AREA**

- 13.108.010 Title and Purpose**
- 13.108.020 Definitions**
- 13.108.030 Prevailing Wage Requirements**
- 13.108.040 Enforceability**
- 13.108.050 Severability**

**13.108.010 Title and Purpose.**

- A. This Chapter shall be referred to as the Prevailing Wage Requirements Ordinance.
- B. The purpose of this Chapter is to ensure that developers or contractors involved in the construction of large projects in the Southside Plan area pay workers at least the general prevailing rate set forth in the California Labor Code.

**13.108.020 Definitions.**

- A. "Contractor" shall mean a contractor or subcontractor of any tier that has contracted to perform work on the Covered Project.
- B. "Covered Project" shall mean a private development project located in the C-T, R-S, or R-SMU zoning districts that consists of construction or alteration of at least 50 units or 50,000 square feet or more of floor area and which has not received its final approvals (whether in the form of permits, variances, or other entitlements) by the effective date of this Ordinance.
- C. "Covered Construction Worker" shall mean any construction worker employed by a Contractor at any time over the duration of the Covered Project.
- D. "Registered Apprenticeship Program" shall mean an apprenticeship program jointly managed and administered by both a union and contractor or contractor association, and (i) approved by the State of California's Division of Apprenticeship

Standards; (ii) registered with the U.S. Department of Labor; or (iii) registered with a state apprenticeship agency granted authority by the U.S. Department of Labor to register apprenticeship programs for federal purposes, pursuant to 29 CFR Part 29.

### **13.108.030 Prevailing Wage Requirements.**

A. A Covered Project is subject to the following requirements:

1. Each Contractor shall pay all Covered Construction Workers at least the general prevailing rate of per diem wages as set forth in Section 1771 of the California Labor Code, except that apprentices participating in a Registered Apprenticeship Program may be paid at least the applicable apprentice prevailing rate.

2. Each Contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section.

B. Subsections A(1) and A(2) above do not apply if all Contractors are subject to a project labor agreement (or community workforce agreement or similar agreement) with the local Building and Construction Trades Council.

### **13.108.040 Enforcement**

A. Each Contractor must sign a declaration attesting to compliance with this Chapter under penalty of perjury at the time of permit issuance for the Covered Project.

B. *Private Right of Action.* A Covered Construction Worker, or a joint labor-management committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. sec. 175a) on a Covered Construction Worker's behalf, may bring a civil action in a court of competent jurisdiction against any Contractor that violates this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation. Nothing in this Chapter creates a private right of action or otherwise authorizes legal action against the City, its officers, agents, or employees.

### **13.108.050 Severability**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.



Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 16, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Taplin, Wengraf, and Arreguin.

Noes: None.

Abstain: Kesarwani.

Absent: None.



## ORDINANCE NO. 7,894-N.S.

ELMWOOD BUSINESS IMPROVEMENT DISTRICT AMENDMENTS; AMENDING  
BERKELEY MUNICIPAL CODE CHAPTER 7.84

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 7.84.030 is amended to read as follows:

**7.84.030 Boundaries of district.**

The boundaries of the District are as specified in this section and in the District's Boundary Map attached to the ordinance codified in this chapter and on file with the office of the City Clerk.

Western Boundary. A line connecting the western edge of all parcels fronting on the western side of College Avenue in the C-E and R-2A zoning districts from 2640 College to 3212 College but including parcels facing Derby Street, Stuart Street, Russell Street and the City-owned Elmwood parking lot that is accessed from Russell Street, and 2933 Benvenue Ave, 2626 Ashby Ave and 2953 Benvenue Ave. The parcels along the western boundary are as follows:

Assessor's Book 053:

Block 1695: Parcels 4, 6, 7, 11, 9-1, 9-2, 10, 12-1, 12-2, 13, 14, 30, 31, and 36.

Assessor's Book 052:

Block 1409: Parcels 1-1, and 3.

Block 1410: Parcels 2, 12, 14-2, 16-1, 18, 20-1, 22-1, 24, 26, 28, 30, 32, 34, 36, and 41.

Block 1562: Parcels 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 39, 47, and 50,

Block 1568: Parcels 2, 3, 4-1, 5-1, 5-2, 6-2, 7, 9, 11-1, 12-1, 14, 49, 50, 51, 52, 53, 55, and 56.

Block 1573: Parcels 2, 4-1, 6, 12, 13, 14, 15, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103.

Eastern Boundary. A line connecting the eastern edge of all parcels fronting on the eastern side of College Avenue from 2704 Derby Street to 2704 Alcatraz Avenue and 3217 College Avenue and parcels fronting Stuart Street, Webster Street, Prince Street,

Woolsey Street and Alcatraz Avenue. The parcels along the eastern boundary are as follows:

Assessor's Book 055:

Block 1845: Parcels 15-1, 15-2, 16, 17

Assessor's Book 054:

Block 1707: Parcel 10-1

Block 1708: Parcels 14, 15, 16, and 17.

Block 1709: Parcels 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 29, and 38.

Assessor's Book 053:

Block 1696: Parcels 1, 2, 15,16, 17, 18, 19, and 20

Block 1699: Parcels 15, 16, 17, 18, and 19

Assessor's Book 052:

Block 1563: Parcels 28, 29, 30, 31, 32, 33, 34, 35, 36, 63, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 96, 97, 176-2, 177-1, 188, 191, 203, and 221,

Block 1564: Parcels 31, 32, 33, 34, 35, 36, and 37.

Block 1567: Parcels 16, 17, 18, 19, 20, 21, 22, 23, 24, 62, 63, 64, 66, 67, 68, 87, 88, 89, 90, and 91. Block 1568: Parcels 14, and 16-2.

Block 1573: Parcel 13.

Southern Boundary. A line connecting the southern edge of parcel 052-1563-188 (3217 College) on the eastern side of College and the southern edge of parcel 052-1409-3 (3212 College) on the western edge of College.

Northern Boundary. The northern edge of parcel 055-1845-15-2 ( 2640 College) on the western side of College and the northern edge of parcel 054-1708-17 (2704 Derby) on the eastern side of College.

Section 2. That Berkeley Municipal Code Section 7.84.040 is amended to read as follows:

**7.84.040 Calculation of assessments.**

Businesses, trades, and professions located within the District boundaries shall, commencing on January 1, 2025, pay an annual benefit assessment to the District in the amounts shown in Table 7.84.040.

**Table 7.84.040.**

| <b>Business Classifications and Assessment Rates</b>                                                                                        |                     |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Classifications</b>                                                                                                                      | <b>Annual Rates</b> |
| Retail including jewelers and groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services and Drinking Places) |                     |
| • Gross receipts under \$350,000                                                                                                            | \$250               |
| • Gross receipts \$350,000--\$999,000                                                                                                       | \$350               |
| • Gross receipts \$1,000,000                                                                                                                | \$500               |
| Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)                                   | \$500               |
| Professionals including offices of real estate brokers (Tax Code P)                                                                         |                     |
| • Gross receipts under \$100,000                                                                                                            | \$300               |
| • Gross receipts over \$100,000                                                                                                             | \$400               |
| Entertainment and Recreation (Tax Code E)                                                                                                   | \$450               |
| Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)                                  | \$200               |
| Hair, Nail and Skin Care Services (NAICS 81211)                                                                                             | \$200               |
| Parking lot operators                                                                                                                       | \$2,000             |
| Financial Institutions                                                                                                                      | \$2,500             |

Any business that is classified as a nonprofit (Tax Code N) for business licenses purposes, shall nevertheless pay the assessment at the rate that corresponds to its North American Standard

Industrial Classification if it is engaged in the sale of products or services. Any new business established within the District shall not be required to pay an assessment on application for its business license but only on renewal at the end of the year it was initiated.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 16, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Taplin, and Arreguin.

Noes: None.

Absent: Wengraf.



Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 30, 2024

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.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$200,000**

| <u>PROJECT</u>                                              | <u>Fund</u>       | <u>Source</u>                                | <u>Amount</u>    |
|-------------------------------------------------------------|-------------------|----------------------------------------------|------------------|
| Staff uniforms and resale items for the Recreation Division | 011<br>125<br>138 | General Fund<br>Playground Camp<br>Parks Tax | \$200,000        |
| <b>Total:</b>                                               |                   |                                              | <b>\$200,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on January 30, 2024

January 30, 2024

CONSENT CALENDAR

**BACKGROUND**

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

**RATIONALE FOR RECOMMENDATION**

Need for the goods and/or services.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 30, 2024

- a. Staff uniforms and resale items for the Recreation Division

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.



| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED             | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                               | ESTIMATED COST       | BUDGET CODE TO BE CHARGED                                                                                                                                                                                                                                                                                                                                                                                                        | DEPT. / DIVISION | CONTACT NAME & PHONE                                                                                    |
|--------------------|-------------------------------------------------------------|----------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------|
| 24-11656-C         | Staff uniforms and resale items for the Recreation Division | 2/1/24               | 3/13/2024                | Purchase of staff uniforms for the Recreation Division and resale items for Berkeley Tuolumne Camp<br><br>2-year contract (\$100,000/year) | \$200,000.00         | Recreation General: 011-52-543-570-0000-000-461-645110<br><br>Recreation Aquatics: 011-52-543-570-1015-000-461-645110<br><br>Recreation Events: 011-52-543-570-1020-000-461-645110<br><br>Tuolumne Camp: 125-52-543-583-0000-000-461-645110<br><br>Echo Lake Camp: 125-52-543-583-0000-000-461-645110<br><br>Berkeley Day Camp: 125-52-543-583-0000-000-461-645110<br><br>Parks Event Shirts: 138-52-542-565-0000-000-461-645110 | PRW Recreation   | Justin Pitcher,<br>Recreation Program Supervisor<br><br>510-981-5123<br><br>jpitcher@berkeleyc<br>a.gov |
| <b>DEPT. TOTAL</b> |                                                             |                      |                          |                                                                                                                                            | <b>\$ 200,000.00</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                                                                                                         |
| <b>TOTAL</b>       |                                                             |                      |                          |                                                                                                                                            | <b>\$ 200,000.00</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                                                                                                         |





Office of the City Manager

CONSENT CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Sprague, Chief, Fire Department

Subject: Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents in Berkeley's Very High Fire Hazard Severity Zone

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to the amount of \$1.1 Million to implement a defensible space program for residents of Berkeley's Very High Fire Hazard Severity Zone.

FISCAL IMPACTS OF RECOMMENDATION

There is no requirement for matching funds. The Department expects to expend approximately \$150,000 in staff time to perform inspections for the properties within the project scope.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Fire Department is seeking funding to implement an incentive program for residents of Berkeley's Very High Fire Hazard Severity Zone for up to \$2,900 for residents who demonstrate financial or physical hardship to complete the work required to meet the city's compliance standards and newly unfunded state mandates for defensible space. This grant will also fund a third-party grant administrator to manage the applications, including screening for application criteria demonstrating financial hardship and managing reimbursement requests and payment schedules.

This grant supports the City's Strategic Plan's goals and objectives as follows:

Goal 1: Create a resilient, safe, connected, and prepared City

**3.23** Fire Prevention: Increase fire/life safety capacity and resources to effectively maintain community safety.

Goal 2: Be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

**9.10** Increase and improve communications from the Fire Department

Goal 3: Champion and demonstrate social and racial equity.

No specific objective; however, this program does address the socioeconomic equity of Berkeley's residents.

Program Objectives

In addition to Goals 1-3 listed above, this program provides Berkeley Residents with the following expanded Community service objectives:

- Budgeted funds for resident assistance to conduct work from 0-100 ft for those who cannot complete the work due to physical or financial hardship,
- Budgeted funds for public education to inform Residents about program enforcement and the importance of defensible space.

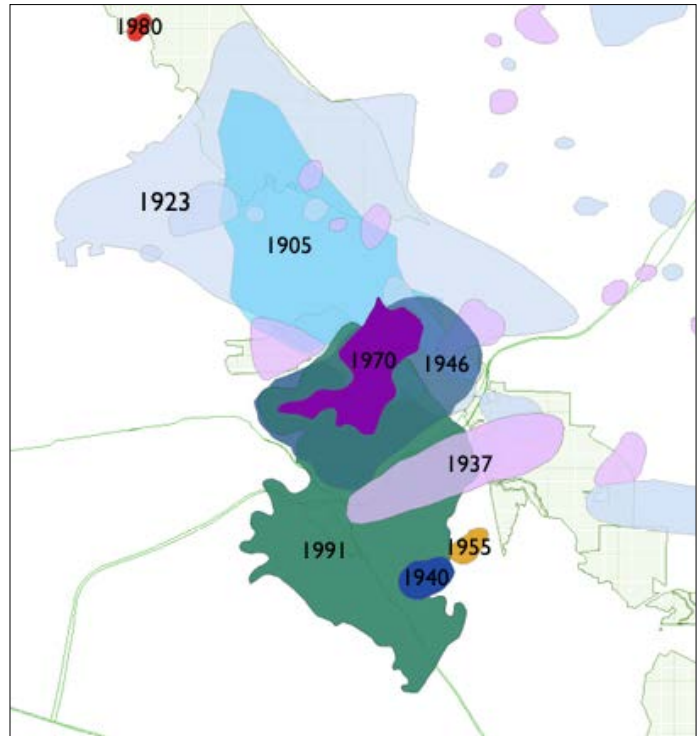
BACKGROUND

Berkeley has long faced an elevated risk of wildfires, having faced significant wildfires in 1905, 1923, 1946, 1970, and 1991. The map to the right shows the locations of these fires within the City, which generally correspond with the City's Very High Fire Danger Severity Zones.

Far from receding with time, the risk of catastrophic wildfire is growing due to changing conditions driven by climate change and development within the Bay Area. These growing risks demand new approaches in risk management and careful consideration of any policy changes that impact density, especially in the Fire Zones.

It is well-known that weather elements, including temperature, relative humidity, wind, and lightning, affect vegetation/wildland fire potential and behavior. Wind can be the most significant weather factor influencing vegetation/wildland fire behavior, with higher wind speeds increasing fire spread and intensity. High temperatures and low relative humidity also influence fire potential and behavior by drying out vegetative fuels, allowing such fuels to burn more readily and intensely. In Berkeley, weather conditions conducive to vegetation/wildland fires primarily occur during the summer and fall months, as strong winds develop, producing higher temperatures and lower humidity.

The City's topography also contributes to the fire risk in Berkeley's WUI. The City's topography transitions from being flat / sea level along the San Francisco Bay in the west, to steeper, sloped terrain approaching 1,000 feet in elevation in the Berkeley Hills along the City's eastern edge. The steeper, sloped terrain in the Hills can contribute to fire spread, because vegetation/wildland fires tend to burn more intensely and spread faster



when burning uphill and up-canyon. However, the hot, dry "Foehn" or "Diablo" winds from the northeast that occur especially during the spring and fall, and come from the northeast, can cause rapid downhill and down-canyon fire spread and were responsible for the fires in 1923 and 1991.

The vegetation within the WUI further contributes to fire risk. In addition to decorative landscape species, vegetative fuels within the Fire Zones consist of a mix of annual grasses and weeds, manzanita/knob cone, chaparral, deciduous, eucalyptus, cyprus, and mixed conifer tree species. These types of vegetation can burn intensely and contribute to rapid fire spread under the right fuel, weather, and topographic conditions. At the time of the 1923 Berkeley Fire, the Berkeley Hills were largely undeveloped, looking more like the Hills in the South Bay: open grassland, oak woodland, savanna, etc. However, many trees were planted over the course of the 20<sup>th</sup> Century as the Hills became more developed. Some of these trees are invasive and/or more flammable during a wildfire, such as the Italian Cyprus, Eucalyptus, and Acacia. Over time, these trees have altered Berkeley's natural landscape and dramatically increased the Hills' fire fuels.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ensuring Berkeley is complying with state and local wildfire prevention standards and emerging best practices will help prevent catastrophic wildfire and habitat loss post-wildfire.

#### RATIONALE FOR RECOMMENDATION

The Fire Department has identified an opportunity to help residents bring parcels into compliance with defensible space best practice that can present substantial hurdles to complete without financial assistance.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

David Sprague, Fire Chief, 510-981-3473

Dan Green, WUI Division Chief

Attachments:

1: Resolution

GRANT APPLICATION: FUNDING FROM CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) WILDFIRE PREVENTION GRANT TO IMPLEMENT AN INCENTIVE PROGRAM FOR LOW-INCOME AND PHYSICALLY CHALLENGED RESIDENTS IN BERKELEY'S VERY HIGH FIRE HAZARD SEVERITY ZONE

WHEREAS, the science around wildfire prevention is novel and is driving changes to best practices, regulations, and fire codes, and

WHEREAS, these grant funds will be used to make significant improvements in defensible space within the VHFHSZ, and

WHEREAS, grant funds may be used to support public education, support resident efforts to create defensible space, and fund a 3rd party administrator to manage grant requirements.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to \$1.1 Million to implement a vegetation management program for residents of Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ).



Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: State Homeland Security Grant Program Application to Implement CAD to CAD Interface between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for, accept, and manage a grant for the CAD to CAD Interface Project between the City of Berkeley Emergency Communications Center (COB ECC) and the Alameda County Regional Dispatch Center (ACRECC), with a total project cost of \$99,600. This project is crucial for enhancing communication and coordination between agencies.

FISCAL IMPACTS OF RECOMMENDATION

The total project cost is \$99,600. This grant application seeks to fund the entirety of the project through FEMA's funded State Homeland Security Grant Program under the equipment category with FEMA's Authorized Equipment Number (AEL) 4AP-01-CADS. There are no other sources of funding currently being requested or utilized for this project.

CURRENT SITUATION AND ITS EFFECTS

Currently, COB ECC and ACRECC operate on disparate computer-aided dispatch (CAD) systems. This lack of interoperability poses significant challenges in coordinating responses to emergencies. The proposed project aims to connect these two systems to enhance information sharing, backup, and redundancy.

BACKGROUND

Emergency Communication Centers (ECC) are the hub of any emergency response system. While Berkeley operates its own ECC, dispatchers communicate with dispatchers in the ACRECC numerous times per day because ACRECC provides call prioritization and emergency medical dispatch (EMD) for the City of Berkeley. There is key information that is collected by ACRECC dispatchers that is not efficiently provided back to Berkeley. Additionally, ACRECC coordinates both fire, rescue, hazardous materials, and emergency medical service mutual aid for the County. This project will create a digital link between dispatch centers that will:

State Homeland Security Grant Program Application to Implement CAD to CAD Interface between the City of Berkeley Emergency Communications Center and the Alameda County Regional Dispatch Center

CONSENT CALENDAR  
January 30, 2024

- Improve regional capabilities in responding to high-risk situations,
- Enhance interoperability and coordinated response efforts,
- Strengthen community preparedness and resilience, and
- Result in better resource mobilization and utilization during emergencies.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The Berkeley Police and Fire Departments are consistently evaluating the needs of the City's ECC and identified this opportunity to enhance data sharing for better, coordinated response.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

GRANT APPLICATION: STATE HOMELAND SECURITY GRANT PROGRAM APPLICATION TO IMPLEMENT CAD TO CAD INTERFACE BETWEEN THE CITY OF BERKELEY EMERGENCY COMMUNICATIONS CENTER AND THE ALAMEDA COUNTY REGIONAL DISPATCH CENTER

WHEREAS Emergency Communication Centers (ECC) are the hub of any emergency response system, and

WHEREAS, these grant funds will be used to make significant improvements to interagency communication, and

WHEREAS, grant funds will be used to implement Computer-Aided Dispatch software intended for data sharing and improved dispatch communication for both the City of Berkeley Emergency Communications Center and Alameda County Regional Emergency Communications Center.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to apply for and accept a grant, and any amendments, from the State Homeland Security Grant Program for up to \$99,600 to implement data sharing software to both jurisdictions CAD system.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Contracts: As-Needed Hazardous Fire Fuel Treatment with Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from February 1, 2024, to January 30, 2028, for a total cumulative amount not to exceed \$4,000,000:

1. Julian Tree Care in the amount of \$1,000,000;
2. Professional Tree Care in the amount of \$1,000,000;
3. West Coast Arborist Inc. in the amount of \$1,000,000; and
4. West Coast Tree Service in the amount of \$1,000,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

CURRENT SITUATION AND ITS EFFECTS

On October 13, 2023, to prepare for a new contract for these services, the City conducted a Request for Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulation and to manage other vegetation in high-risk areas of City-owned parks, pathways, evacuation routes and landscaped areas (Specification No. 24-11634-C).

On November 21, 2023, the City received six quotes. Staff determined that Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service met the criteria for a significant portion of the work needed. Staff recommends that new contracts with Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service be authorized.

The as-needed hazardous vegetation management and removal services are Strategic Plan Priority Projects, advancing our goals to

- create a resilient, safe, connected, and prepared city,
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

### BACKGROUND

In 2021, the Fire Chief prioritized a FireSafe Berkeley initiative that includes hazardous fire fuel treatment and vegetation removal in the Very High Fire Hazard Severity Zone, increased inspections and compliance, defensible space treatment assistance for residents who demonstrate financial or physical hardship, and public education on vegetation management practices. These contracts assist with the objectives of removing hazardous vegetation accumulation and managing other vegetation in high-risk areas of the community and in City-owned parks, pathways, and evacuation routes. The City does not have the resources to accomplish this work using in-house staff, and therefore uses contracted services.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Chapter 1 of the City's Climate Action Plan acknowledges that California will experience a rise in wildfires due to climate change. Additionally, this program preserves natural habitat by removing unwanted invasive plant species and vegetative debris that are recycled and converted into usable compost. This services contract is an essential component in the proper maintenance of the City's landscape.

### RATIONALE FOR RECOMMENDATION

The Fire and The Parks, Recreation and Waterfront Departments have evaluated the ongoing needs for hazardous vegetation mitigation and other vegetation management and determined Julian Tree Care, Professional Tree Care, West Coast Arborist Inc., and West Coast Tree Service help fulfill the requirements as set out in the RFP.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Shanalee Gallagher, Program Manager, Fire Department, 510-981-3473

### Attachments:

- 1: Resolution – Julian Tree Care
- 2: Resolution – Professional Tree Care
- 3: Resolution – West Coast Arborist Inc.
- 4: Resolution – West Coast Tree Service

RESOLUTION NO. ##,###-N.S.

CONTRACT: AS-NEEDED HAZARDOUS FIRE FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on October 13, 2023, to prepare for a new contract for these services, the City conducted a Request For Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on November 27, 2023, the City received six (6) bids, which were reviewed by staff; and

WHEREAS, staff determined that Julian Tree Care meet the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Julian Tree Care for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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RESOLUTION NO. ##,###-N.S.

CONTRACT: AS-NEEDED HAZARDOUS FIRE FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on October 13, 2023, to prepare for a new contract for these services, the City conducted a Request For Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on November 27, 2023, the City received six (6) bids, which were reviewed by staff; and

WHEREAS, staff determined that Professional Tree Care meet the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with Professional Tree Care for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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RESOLUTION NO. ##,###-N.S.

CONTRACT: AS-NEEDED HAZARDOUS FIRE FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on October 13, 2023, to prepare for a new contract for these services, the City conducted a Request For Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on November 27, 2023, the City received six (6) bids, which were reviewed by staff; and

WHEREAS, staff determined that West Coast Arborist Inc meet the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments West Coast Arborist Inc. for a period of four years, for a cumulative total not to exceed of \$1,000,000.

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RESOLUTION NO. ##,###-N.S.

CONTRACT: AS-NEEDED HAZARDOUS FIRE FUEL TREATMENT

WHEREAS, in 2021, the Fire Chief initiated a FireSafe Berkeley and prioritized the reduction of hazardous vegetation removal; and

WHEREAS, the program objectives are to remove hazardous vegetation accumulations and to manage other vegetation in high-risk areas of the City; and

WHEREAS, on October 13, 2023, to prepare for a new contract for these services, the City conducted a Request For Quote (RFQ) competitive bidding process to solicit proposals for the removal of hazardous vegetation accumulations and to manage other vegetation in high-risk areas (Specification No. 24-11634-C); and

WHEREAS, on November 27, 2023, the City received six (6) bids, which were reviewed by staff; and

WHEREAS, staff determined that West Coast Tree Service meet the criteria described in the RFP; and

WHEREAS, the desired landscape maintenance firms will be available on an on-call basis over a four-year period for a cumulative amount not to exceed \$1,000,000; and

WHEREAS, funding is available in the Fire Department budget using Measure FF funds, the Hills Overlay Assessment, and grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a contract and any amendments with West Coast Tree Service for a period of four years, for a cumulative total not to exceed of \$1,000,000.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Revenue Contract: 2024 Community Services Block Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to accept Community Service Block Grant (CSBG) Contract Number 24F-3001 for the amount of \$299,495, and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change the contract term, or to update contract terms, to provide low-income services for the time period January 1, 2024 to May 31, 2025, with the option to extend the contract period as amended by the California State Department of Community Services and Development.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley's CSBG allocation for the period of January 1, 2024 to May 31, 2025 is \$299,495 (Fund 334). The CSBG allocation amount is included in the City's anti-poverty Community Action Fund and supports oversight and management of anti-poverty funds within the Department of Health, Housing and Community Services (HHCS). CSBG funding is distributed annually; however, the contract period extends an additional five months with no additional funding to provide recipients with adequate time to complete reports and submit payment requests.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley receives CSBG to support anti-poverty programs because it is a Community Action Agency (CAA). CSBG funds are part of the federal Department of Health and Human Services budget passed through the state to local CAAs. The City of Berkeley uses its CSBG entitlement to fund community service programs.

The Human Welfare and Community Action Commission (HWCAC) acts as the federally mandated tri-partite advisory board for CSBG funding. As such, it is responsible for reviewing performance of funded programs, reviewing compliance with the implementation of the community action program, and advising Council on CSBG funding decisions. The Berkeley City Council is the decision-making body and is thus responsible for all final CSBG funding decisions.

At the time of the FY24 award, the HWCAC was unable to achieve a quorum to recommend that Council accept the 2024 CSBG funding. However, City Council, being the decision-making body, is ultimately responsible for all CSBG funding decisions, including the acceptance of CSBG funding. Therefore, Council is authorized to accept CSBG funding in the event that the HWCAC is unable to meet due to a lack of quorum or other reason.

#### BACKGROUND

CSBG provides supplemental support for the City of Berkeley's anti-poverty efforts. In 2021, the award was \$275,106, and in 2022 the award slightly decreased to \$274,202. In 2023, the award increased to the amount of \$312,302. CSBG funds supplement anti-poverty General Funds which are used for other critical community services, including disability and senior services, medical care, child care, and additional homeless services. Funding is awarded to activities through the City's Community Agency RFP process.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The CSBG is necessary to support the provision of services for residents living in poverty in Berkeley.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Rejecting CSBG funding would reduce funding for services to low-income Berkeley residents, which would negatively impact low-income services in Berkeley.

#### CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, (510) 981-5414.

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

REVENUE CONTRACT: 2024 COMMUNITY SERVICES BLOCK GRANT (CSBG)

WHEREAS, the City of Berkeley is a Community Action Agency and receives CSBG funds as the Berkeley Community Action Agency to support anti-poverty programs; and

WHEREAS, the Human Welfare and Community Action Commission (HWCAC) acts as an advisory tripartite Board to the Council providing public participation in the governing process; and

WHEREAS, the HWCAC currently has one commissioner, and so is unable to achieve a quorum to recommend that Council accept the 2024 CSBG funding; and

WHEREAS, Council is the decision-making body responsible for all CSBG funding decisions, including the acceptance of CSBG funding, and is therefore authorized to accept CSBG funding in the event that the HWCAC is unable to meet due to a lack of quorum; and

WHEREAS, this CSBG revenue contract is for the period of January 1, 2024 to May 31, 2025, with the option to extend the contract period and/or accept amendments that either increase the contract amount and/or update contract terms, for a contract amount of \$299,495 (Fund 334); and

WHEREAS, the funds have historically been used to support anti-poverty services and to support City of Berkeley oversight and management of anti-poverty programs (Fund 334).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to accept Community Service Block Grant Contract Number 24F-3001 for the amount of \$299,495, and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change the contract term, or to update contract terms, to provide low-income services for the time period January 1, 2024 to May 31, 2025, with the option to extend the contract period as amended by the California State Department of Community Services and Development. A record signature copy of said agreement and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Revenue Grant Agreement: Funding Support from the State of California Tobacco Control Program to Conduct Public Health Services

RECOMMENDATION

Adopt Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tobacco Control Program in the projected total amount of \$300,000 for Fiscal Year 2025.

FISCAL IMPACTS OF RECOMMENDATION

The City will receive an estimated total amount of \$300,000 from the State of California Tobacco Control Program in FY25. The contract will be assigned a contract number and the revenue deposited in Fund 157. There is no local match required for this grant. Spending of grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances.

CURRENT SITUATION AND ITS EFFECTS

The Tobacco Control Program funding supports the Department of Health, Housing, and Community Services' (HHCS) work to improve the health of our community preventing disease caused by tobacco use. Supported interventions include community information and education, training, and technical assistance for community members interested in local tobacco control efforts.

BACKGROUND

The City has received state Tobacco Control Program funds annually since 1991. HHCS provides a broad range of public health and community health services in Berkeley; with the goals of achieving health equity, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

These funds support vital services related to the City's mandates as a public health jurisdiction, as well as local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support HHCS/PHD's mission and provide the City with funding to continue working to protect and improve the health of the community.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA TOBACCO CONTROL PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to reducing death and disease caused by tobacco use and exposure to second hand smoke; and

WHEREAS, second hand smoke is classified as a “known human carcinogen” (cancer causing agent) by the US Environmental Protection Agency, The US Toxicology Program, and the International Agency for Research on Cancer, a branch of the World health organization; and

WHEREAS, HHCS provides a broad range of needed public health program services to the community; works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2025 for the Tobacco Control Program; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$300,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
Subject: Expenditure Contract: Alameda County Public Health Department (Office of Dental Health) to Provide Dental Services to the Berkeley Unified School District

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Alameda County in an amount not to exceed \$159,000 to provide dental services in Berkeley Unified School District for the period July 1, 2024 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

General Fund (Fund 011) in the amount of \$53,000 is available in the City’s adopted Fiscal Year 2024. General Funds in subsequent years (\$53,000 annually) will be proposed in the Fiscal Year 2025 and Fiscal Year 2026 budgets.

CURRENT SITUATION AND ITS EFFECTS

The City has funded Alameda County to provide oral health services to Berkeley Unified School District students for the past 18 years in order to address racial health inequities. Through this contract, the City makes available dental screenings, free dental sealants, and preventive dental education for all BUSD third graders and, where necessary, referral and linkages to dental appointments and health insurance. City staff coordinate follow-up for those children at highest risk who are currently uninsured or unconnected to a dental health provider but in need of care.

BACKGROUND

Research increasingly shows that although tooth decay is largely preventable, it remains the most common chronic disease of children aged six to 11 years. Nationally, children of racial and ethnic minority groups have twice as much untreated decay in their permanent teeth, but only receive about half as many dental sealants, as non-minority children

Expenditure Contract: Alameda County Public Health Department,  
Office of Dental Health

CONSENT CALENDAR  
January 30, 2024

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

This contract supports vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents, assure that children in Berkeley Public Elementary Schools have access to oral health preventive resources.

### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

### CONTACT PERSON

Janice Chin, MPH, Public Health Division Manager, HHCS, (510) 981-5121

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

EXPENDITURE CONTRACT: ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, OFFICE OF DENTAL HEALTH FOR ORAL HEALTH SERVICES TO BERKELEY UNIFIED SCHOOL DISTRICT

WHEREAS, dental decay is one of the most prevalent and untreated diseases of children and it remains the most common chronic disease of children aged 6 to 11 years (25%) and children of racial and ethnic minority groups have twice as much untreated decay in their permanent teeth; and

WHEREAS, the number of elementary aged children receiving sealants and fluoride treatments in Berkeley Unified School District (BUSD) elementary schools has been steadily increasing since the COB School-Based Oral Health program began; and

WHEREAS, the City Council has authorized a sole source contract with the Alameda County Public Health Department since 2000 due to the Department's existing relations for providing dental health services, outreach and education to schools within BUSD as well as their working knowledge of program and state requirements for the provision of these services; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS) works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death, and eliminate health inequities; and

WHEREAS, General Funds (Fund 011) is available in the current year budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute a sole source contract with Alameda County, and any amendments or extensions thereto, in an amount not to exceed \$159,000, to provide dental services in Berkeley Unified School District for the period of June 1, 2024 through June 30, 2027. A record signature copy of said contract shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Expenditure Contract: Berkeley Free Clinic for Laboratory Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with the Berkeley Free Clinic (BFC) for laboratory services, in an amount not to exceed \$150,000 for the period July 1, 2024 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

General Fund (Fund 011) \$50,000 for this contract is available in the adopted Fiscal Year 2025 budget. \$50,000 annually will also be proposed in the Fiscal Year 2026 and Fiscal Year 2027 budgets.

CURRENT SITUATION AND ITS EFFECTS

The City has funded laboratory services for reproductive and sexual health services provided by BFC for many years. BFC was founded in 1969 and is an essential safety-net provider of health care services in Berkeley. This contract will reimburse BFC for clinical laboratory expenses up to \$50,000 annually for the period July 1, 2024 through June 30, 2027.

BACKGROUND

Fees have never been charged for any services, materials, medications or supplies provided at BFC. BFC's revenue comes solely from individual or organizational donations and government programs. Direct services are provided almost exclusively by volunteer lay health care workers. Volunteers receive extensive and specific training in classroom and clinical settings. Treatments, referrals and guidance are provided in a client-centered and inclusive context.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The provision of laboratory services by a currently licensed laboratory in good standing ensures that the production of medical and laboratory waste is minimized, and that potential negative impacts from such waste is avoided or mitigated.

RATIONALE FOR RECOMMENDATION

BFC's free health care services for uninsured, disenfranchised, and under-served populations in the City, including reproductive and sexual health services for all genders, support public health goals of improving the health and well-being of the Berkeley community.

ALTERNATIVE ACTIONS CONSIDERED

Ceasing funding for laboratory services provided by BFC is not recommended because of the likely detrimental impact to health equity.

CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS (510) 981-5121

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: BERKELEY FREE CLINIC FOR CLINICAL LABORATORY SERVICES

WHEREAS, Berkeley Public Health Division has a longstanding partnership with Berkeley Free Clinic (BFC), providing funding for laboratory services for BFC clients; and

WHEREAS, BFC offers free health care services, provided by volunteer staff, to uninsured, disenfranchised, and under-served populations and is an essential safety-net provider of health care services in Berkeley; and

WHEREAS, BFC's services complement those provided by the City and other community health care providers, and support health equity; and

WHEREAS, funds are available in the Fiscal Year 2025 budget in the Discretionary General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a sole source expenditure contract and any amendments or extensions with the Berkeley Free Clinic (BFC) in General Funds (Fund 011) not to exceed \$150,000 for the period July 1, 2025 through June 30, 2027 (\$50,000 annually) for the purpose of funding clinical laboratory expenses for BFC clients related to reproductive and sexual health. A record signature copy of said contract to be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional \$30,000 for a total not to exceed amount of \$158,315 through March 4, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional scope of work in the amount of \$30,000 will be provided from the Future of Public Health grant (Fund 302).

CURRENT SITUATION AND ITS EFFECTS

The proposed amendment will purchase additional subscriptions and licenses for a web-based population health data platform to access, compile, and share Results-Based Accountability (RBA) data. The Department of Health, Housing, and Community Services (HHCS) is in the process of implementing Results Based Accountability (RBA) across all divisions as a way to shape goals and measure outcomes for each of the programs. RBA is a systematic way to track performance and implement improvements to the services that are provided to the residents of Berkeley.

BACKGROUND

The existing contract with this vendor will allow HHCS to compile and share Community Health Assessment (CHA) data, and priority issues and strategies for the Community Health Improvement Plan (CHIP).

Currently, HHCS is in process of undertaking the CHA and CHIP which will assess the health of the community's population and identify plans to improve it. California Future of Public Health program funding also requires that the City completes a CHA and a CHIP. Using this interactive solution will help community members of all backgrounds to quickly understand health data, plans for improvements and how well the City is doing in making those improvements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental sustainability and climate impact effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

This amendment will further allow HHCS staff to engage in continuous improvement efforts driven by program performance data as well as provide timely and informative communications of progress of the Community Health Improvement Plan over time.

ALTERNATIVE ACTIONS CONSIDERED

Instead of choosing technological solutions, the City could continue as it has historically with not having Results-Based Accountability data easily accessible to the community. Since protecting public health requires public engagement, staff do not recommend this approach.

CONTACT PERSON

Kellie Knox, Future of Public Health Coordinator, HHCS, (510) 981-5301

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300149 AMENDMENT: MYSIDEWALK, INC FOR HEALTH, HOUSING, AND COMMUNITY SERVICES WEB-BASED POLLUTION HEALTH DATA PLATFORM

WHEREAS, the City of Berkeley has issued an RFP to obtain a web-based, subscription solution to support residents and stakeholders of the City of Berkeley in viewing health data from local, regional and national sources in an easy-to-understand format and to support the implementation of a Community Health Assessment (CA) and a Community Health Improvement Plan (CHIP); and

WHEREAS, the City conducted RFP Specification No. 23-11553-C, and Council approved the selection of mySidewalk as the vendor with Resolution No. 70,714-N.S. adopted on March 14, 2023; and

WHEREAS, the City entered into contract 32300149 with mySidewalk on June 15, 2023 for an amount not to exceed \$128,315; and

WHEREAS, HHCS staff has been satisfied with the performance of mySidewalk, Inc thus far.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend Contract No. 32300149 with mySidewalk, Inc to expand the web-based subscription solution to further implement it in the use of providing data to the residents of Berkeley about the Results-Based Accountability the staff are doing to improve health equity in Health, Housing, and Community Services from January 2, 2024 to March 4, 2026 in an amount not to exceed of \$158,315.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300112 Amendment: Harold Dichoso for COVID-19 Outreach and Education

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300112 with Harold Dichoso for COVID-19 outreach and education, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$20,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$125,000 to \$145,000.

FISCAL IMPACTS OF RECOMMENDATION

The amendment will add \$20,000 with a total not-to-exceed amount of \$145,000. The funding for this amendment is available in the FY2024 Adopted Budget in One-Time Fund (Fund 350).

CURRENT SITUATION AND ITS EFFECTS

Amending contract number 32300112 will allow Harold Dichoso to continue to refine and implement culturally responsive curriculum that exposes Berkeley youth to job readiness skills and provide work-based learning experiences while serving as COVID-19 youth ambassadors through the end of the state COVID-19 Workforce Development (WFD) grant period. This amendment would allow an additional five to seven youth from the Berkeley Technology Academy to be included in the youth ambassadors cohort.

Under the original contract, Harold Dichoso has designed and facilitated 36 two-hour professional development workshops for the 67 youth who enrolled in three cohorts of the Health Justice Internship (HJI) program and supported their experience with youth development programming and mentorship. Contract activities also include coordination between City of Berkeley staff and staff from Berkeley Unified School District, Berkeley City College, and community organizations.

This program will continue to aid in slowing the spread of COVID-19 and ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

#### BACKGROUND

In response to the COVID-19 Pandemic, the City of Berkeley received a COVID-19 Workforce Development grant from the California Department of Public Health (CDPH). The City partnered with Harold Dichoso to ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures through the implementation of the Health Justice Internship (HJI) Program. The HJI program provides Berkeley youth the opportunity to participate in paid internships while serving as COVID-19 youth ambassadors.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The additional funding identified will continue to aid in slowing the spread of COVID-19 throughout the Berkeley community and will ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify other alternatives that are consistent with both the grant purpose, City priorities, and CDC's COVID-19 guidance.

#### CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, 510-981-5121

Attachment:

1. Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300112 AMENDMENT: HAROLD DICHOSO FOR COVID-19  
OUTREACH AND EDUCATION

WHEREAS, the City of Berkeley issued a Request for Proposal No. 23-11542-C to obtain consulting services through a single contract with a community-based organization or individual related to the COVID-19 pandemic through the Health Justice Internship Program.

WHEREAS, on November 16, 2022, the City of Berkeley executed contract number 32300112 with Harold Dichoso, which as authorized by the City Council (Resolution 70,594-N.S.), with a not to exceed amount of \$90,000

WHEREAS, on June 27, 2023 the City of Berkeley amended contract number 32300112 with Harold Dichoso, which as authorized by the City Council (Resolution 70,903-N.S.), increasing the not to exceed amount to \$125,000.

WHEREAS, additional funds from the Workforce Development (WFD) grant in the amount of \$20,000 are available to increase the contract amount which will allow Harold Dichoso to include additional youth participants, exposing them to culturally responsive curriculum, job readiness skills and providing work-based learning experiences while serving as COVID-19 youth ambassadors through the end of the COVID-19 Workforce Development (WFD) grant period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to amend Contract No. 32300112 with Harold Dichoso for COVID-19 outreach and education, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$20,000 to a total of \$145,000 utilizing one-time grant funds.







Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Martin Luther King Jr. House Request for Proposals Recommendation

RECOMMENDATION

Adopt a Resolution to:

1. Approve the transfer of Martin Luther King Jr.(MLK) House from Resources for Community Development to Insight Housing, including obligations under the City's existing loan and regulatory agreements; and
2. Extend the previously approved \$1,178,974 funding reservation for MLK House and transfer that reservation to Insight Housing; and
3. Reserve an additional \$822,014 from the Housing Trust Fund program to support Insight Housing's renovation of the property; and
4. Waive Sections I.A.1 and IV.C.1 of the Housing Trust Fund Guidelines.
5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate this action.

SUMMARY

MLK House is a congregate, permanent housing development serving primarily formerly homeless people with disabilities. Resources for Community Development intends to transfer MLK House to a new owner, which requires City Council approval under the project's existing loan agreements. After soliciting proposals through a Request for Proposals (RFP) process to identify a qualified owner/operator, staff recommends approving the transfer to Insight Housing. In addition to the existing reservation of \$1,178,974 for MLK House, Insight Housing requested \$822,014 (for a total of \$2,000,988) to undertake a more comprehensive renovation of the property, and update it for use as veterans housing.

FISCAL IMPACTS OF RECOMMENDATION

The attached resolution would extend the duration of an existing \$1,178,974 funding reservation for MLK House, which established a 24-month deadline. It would also reserve an additional \$822,014 to support the renovation of the property. There are currently sufficient funds in the Housing Trust Fund (HTF) program to fund the full request. Staff will determine the exact mix of funds from the HTF closer to the loan closing, which could include the following funds: Affordable Housing Mitigation Fee

(Fund #120), Inclusionary Housing Mitigation Fee (Fund #122), Condo Conversion Fee (Fund #123c), Commercial Housing Mitigation Fee (Fund #331), and Permanent Local Housing Allocation (#302). Funding is subject to appropriation through the second amendment to the FY2024 appropriations ordinance.

### CURRENT SITUATION AND ITS EFFECTS

MLK House (2942-2944 Martin Luther King, Jr. Way) is a 12-bedroom, Single-Room Occupancy (SRO) permanent housing project with shared bathrooms and a communal kitchen. It is currently owned and operated by Resources for Community Development (RCD), and primarily houses formerly homeless individuals through the Shelter + Care program. RCD requested the City's approval to transfer the property to a qualified entity because RCD is not structured to provide the necessary level of oversight and management for the current population in a small communal living property like MLK House.

Housing and Community Services (HHCS/HCS) released the MLK House RFP on July 19, 2023 to select a new owner/operator, and received proposals from three applicants: Insight Housing (Insight), Kingdom Builders, and Options Recovery Services.

Staff recommends moving forward with Insight as the new owner/operator for MLK House. Insight's proposal was the strongest, demonstrating organizational capacity to take on the rehab and operations, and a feasible operating strategy that serves a vulnerable population and leverages non-City funding. On November 2, 2023, the Housing Advisory Commission reviewed and supported staff's recommendation for Insight Housing's proposal.

### BACKGROUND

The goal of the RFP was to identify a new owner/operator that:

- Will serve a population that is appropriate for the property and supportive services available;
- Has experience operating shared housing;
- Is capable of securing new, sustainable operating and services funding sources; and
- Is capable of rehabilitating the property.

HCS staff evaluated the applications according to the following criteria identified in the MLK House RFP:

- Organization Capacity
- Feasibility
- Property Management and Services Plans

### **Insight Housing**

Insight Housing (formerly Berkeley Food and Housing Project) intends to convert the property to supportive housing for 11 homeless or formerly homeless veterans. Insight

requested an additional \$822,014 (for a total of \$2,000,988) to support the rehab of the property. The additional funds are necessary to undertake a more comprehensive rehab and to add kitchenettes to each room in order to make them eligible for Veterans Affairs Supportive Housing (VASH) vouchers from the Department of Veterans Affairs (VA).

Insight has sufficient development experience to take on the MLK House renovations, and is experienced in managing shared living facilities, and working with formerly homeless populations (including veterans). Insight will work closely with the VA on tenant selection, and will be able to assess fit and suitability for semi-independent living with shared facilities. MLK House's proximity to Russell Street Residences (another Insight property) allows for mutual operational support between the two sites.

The approval would require two waivers of the HTF Guidelines. Section I.A.I of the HTF guidelines requires applicants to have completed at least three projects of a similar size and scope within the last ten years in order to be eligible for funding. Insight has relevant rehabilitation experience, but does not technically meet that criteria, so staff recommends waiving this requirement. The HTF guidelines also require a City Council waiver if a City loan amount exceeds 40% of the project's total costs, which staff recommends due to the unique nature of the MLK House project and challenges securing alternative funding for renovations of this scale.

### **Kingdom Builders Transitional Housing Program**

Kingdom Builders Transitional Housing Program (Kingdom) proposed housing 11 Transitional Aged Youth (TAY) with incomes up to 100% AMI. TAY are youth aged 18-24 who are transitioning out of public systems, including foster care.

Kingdom is a relatively new organization that has been providing services since 2009, though was only formally incorporated within the past five years. Kingdom recently completed a Homekey project in Oakland, and is currently building a 54-room facility in downtown Oakland that will include TAY units.

Although there is a need for affordable TAY housing, staff and the HAC had concerns about the financial and operating plan for the property in this proposal.

### **Options Recovery Services**

Options Recovery Services (Options) proposed a substance recovery residence program for up to 14 adults undergoing outpatient treatment for Substance Use Disorder. The units would be available for individuals earning up to 30% AMI.

The proposed program and population could be a good fit for MLK House, but staff had concerns about the financing assumptions and project feasibility.

### **Project History**

In 1991, the City loaned RCD a total of \$278,126 from the Housing Trust Fund for the acquisition and renovation of MLK House. Since then, RCD has been operating the property for individuals exiting homelessness, and currently serves clients in the Shelter + Care program. In 2017, the City refinanced its loan, forgiving the accrued interest and reducing the interest rate to 0%. The City's Regulatory Agreement restricts 10 SROs to individuals earning 60% of Area Median Income (AMI).

In 2021, RCD asked the City to approve a transfer of MLK House to a new owner/operator. Shelter + Care tenants are now selected through the County's Coordinated Entry System, which prioritizes the highest need residents. High needs residents transitioning from homelessness have struggled having a shared kitchen and bathrooms, have contributed to heavier wear and tear on the property than the replacement reserve can support, and tend to invite non-residents to sleep or leave their personal belongings at MLK House, creating complex management and service needs. Shelter + Care vouchers do not provide enough income to cover the ongoing costs of operating the property. The proposed property transfer would trigger a need to relocate the existing residents, which the City's Shelter + Care team would facilitate in partnership with the RCD and Insight.

The new owner/operator would assume RCD's existing HTF loan, and have access to new rehab and operations funding. City Council allocated \$1,178,974 from the Housing Trust Fund program to RCD for MLK House through the 2021 Housing Trust Fund RFP. Those funds would be available to the new owner/operator to undertake renovations to address capital needs and to tailor the property to the new population and programming. In addition to the rehab funds, the City reserved \$107K in Mental Health Services Act (MHSA) funding for the project in 2023, which is available to the future owner/operator (subject to annual approval) if they continue to serve individuals with mental health diagnoses.

On November 2, 2023, the Housing Advisory Commission took the following action:

Action: M/S/C (Johnson/Calavita) to recommend City Council: 1. Approve the transfer of MLK House from Resources for Community Development to Insight Housing, including obligations under the existing loan and regulatory agreements; 2. Reserve an additional \$822,014 from the Housing Trust Fund program to accompany the property's 2021 HTF reservation of \$1,178,974 for a total of \$2,000,988 to support Insight Housing's renovation of the property; and 3. Waive Sections I.A.1 and IV.C.1 of the Housing Trust Fund (HTF) Guidelines.

Vote: Ayes: Bell, Braslaw, Calavita, Johnson, Mendonca, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: none. Abstain: none. Absent: none.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

MLK House is an existing, infill property near Ashby BART in a walkable neighborhood. Insight Housing will incorporate energy-efficiency and sustainability measures into the scope to the extent feasible.

### RATIONALE FOR RECOMMENDATION

Insight demonstrated sufficient experience to take on the MLK House renovations and operate the property as affordable housing for formerly homeless veterans. Insight will be able to assess each resident's readiness for semi-independent living. The proposed project will leverage the City's limited funding with VASH vouchers, which may help facilitate long-term operational stability to the project.

### ALTERNATIVE ACTIONS CONSIDERED

HCS staff evaluated the proposals from Kingdom Builders and Options Recovery Services, but had concerns about their respective feasibility. RCD initially proposed transferring the property to another entity that planned to serve Shelter + Care clients in a continuation of current operations. That would not have addressed the challenges under the current model, and staff did not support that proposed transfer.

### CONTACT PERSONS

Jenny Wyant, Senior Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

MARTIN LUTHER KING JR. HOUSE REQUEST FOR PROPOSALS  
RECOMMENDATION

WHEREAS, City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, City Council adopted guidelines (HTF Guidelines) as revised on January 19, 2021, and authorized the HTF program in accordance with the Guidelines; and

WHEREAS, on June 1, 1991, the City entered into a loan agreement with Resources for Community Development (RCD) for a \$128,126 loan which was authorized by City Council Resolution No. 55,859-N.S. for acquisition and rehabilitation of the property, and the June 1991 loan was amended in December 1991 to increase the amount by \$150,000 for a total loan of \$278,126 ("1991 Rehab Loan"), to complete the rehabilitation of the property authorized by City Council Resolution No. 56,211-N.S.; and

WHEREAS, Resources for Community Development (RCD) has operated Martin Luther King Jr. (MLK) House since 1991, providing permanent housing for very low-income, formerly homeless individuals; and

WHEREAS, on June 1, 2017, the City entered into a new loan agreement replacing the 1991 Rehab Loan with a loan equal to the outstanding principal on the 1991 Rehab Loan, forgiving the accrued interest and reducing the interest rate to 0% and an approximate 30-year term to make the new loan co-terminus with the original regulatory agreement (City Council Resolution No. 67,480-N.S.); and

WHEREAS, on December 14, 2021, by Resolution No. 70,135-N.S., the City Council approved a funding reservation of \$1,178,974 to support the renovation of MLK House; and

WHEREAS, because the current residents who reside in MLK House require a higher level of services and property management that is no longer compatible with RCD's operations, RCD intends to transfer the property to a new owner and operator experienced in providing permanent supportive housing; and

WHEREAS, under the City's existing development loan agreement, RCD must obtain approval of the transfer of property; and

WHEREAS, on July 19, 2023, as authorized by Resolution 70,872-N.S., the City issued a Request for Proposals for selection of a new owner/operator for MLK House and received three proposals; and

WHEREAS, on November 2 2023, the Housing Advisory Commission recommended Council approval to transfer MLK House to Insight Housing, including an assumption of RCD's obligations under the existing City loan, an extension of the existing reservation of \$1,178,974 for MLK House, and an additional reservation of \$822,014; and

WHEREAS, the Housing Advisory Commission's motion included recommendations to waive certain sections of the HTF Guidelines in order to fund Insight Housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves the transfer of MLK House from RCD to Insight Housing, including an assumption of the obligations under the City's existing loan and regulatory agreements for the project; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Council approves extending the existing reservation of \$1,178,974 and a new reservation of \$822,014 in HTF funds for MLK House and making those funds available to Insight Housing as the new owner/operator; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley waives the requirements of Section I.A.1 of the HTF Guidelines and approves Insight Housing as an eligible owner/operator of MLK House with demonstrated capacity, though Insight Housing has not completed the number of projects required by the developer eligibility criteria; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley waives the requirements of Section IV.C.1 of the HTF Guidelines and approves and approves HTF funds in excess of 40%, due to the unique nature of the MLK House project and challenges securing alternative funding for renovations of this scale; and

BE IT FURTHER RESOLVED that funds shall be reserved for a period of no more than 24 months from the date of this Resolution, contingent on Insight Housing obtaining all required City approvals and securing commitments for project funding that the City Manager or her designee deems sufficient within the reservation period; and

BE IT FURTHER RESOLVED that the funding reservation is conditioned upon the completion of the environmental review process, except as authorized by 24 CFR, Part 58, and that should HOME and/or CDBG funds constitute a portion of the funding for any project, a final commitment of HOME and/or CDBG funds shall occur only upon the satisfactory completion of the appropriate level of environmental review and also upon the receipt of approval of the request for release of funds and related certification from the U.S. Department of Housing and Urban Development, when applicable. The funding reservation for any of the HOME and/or CDBG funded projects is conditioned upon the City of Berkeley's determination to proceed with, modify, or cancel the project based on the results of subsequent environmental review under the National Environmental Policy Act; and

BE IT FURTHER RESOLVED that the making of the loan shall be contingent on and subject to such other appropriate terms and conditions as the City Manager or her designee may establish; and

BE IT FURTHER RESOLVED the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.





Office of the City Manager

CONSENT CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Grant for 1741-1747 Russell Street

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to redirect \$95,625, the amount of transfer tax recently paid for 1741-1747 Russell Street, from the General Fund to Insight Housing (Insight) to support the renovation of the property.

FISCAL IMPACTS OF RECOMMENDATION

At the time of property acquisition in August 2023, Insight paid the property transfer taxes. The City's General Fund would redirect \$95,625 of revenue towards the rehabilitation of affordable supportive housing. The City would issue a check to Insight equal to the amount of transfer taxes paid to the City.

CURRENT SITUATION AND ITS EFFECTS

On October 25, 2023, Insight submitted a letter requesting a transfer tax refund related to their acquisition of 1741-1747 Russell Street, which provides supportive housing to low-income and formerly unhoused individuals. Insight purchased the property on August 29, 2023 with the support of a \$4.5 million Housing Trust Fund (HTF) acquisition and rehabilitation loan.

Insight plans to rehabilitate and continue operating supportive housing and Board and Care beds at the project. Given the property's significant rehabilitation needs, the project would benefit from the ability to use HTF loan funds for purposes other than the transfer tax. If the City gives the project a grant equal to the amount of the transfer taxes, Insight will use those funds for urgent repairs at the property.

BACKGROUND

On June 13, 2023, City Council awarded Insight a \$4,500,000 loan to acquire and rehabilitate 1741-1747 Russell Street. The property consists of a 17-bed Board and Care and eight units of housing supported with Shelter Plus Care vouchers for 25 people with a disability or serious mental illness who are formerly unhoused or at risk of homelessness. Of the total loan, \$4M went towards acquisition, leaving \$500k for renovation. All of the site's three buildings need significant repairs and system upgrades

due to their age and condition. The capital needs exceed the funds available, and while Insight is pursuing other funding opportunities, there are limited funding sources to support rehabilitation projects. The grant would have a measurable impact on the project's scope. The City has supported Insight's operation of Russell Street Residence since the nonprofit first leased the site and took over operations from a retiring private provider about twenty years ago.

City Council has approved grants equivalent to transfer tax paid on previous Housing Trust Fund and Small Sites Program projects. In 2021 and 2019, City Council approved grants equivalent to transfer tax for two Small Sites Program projects developed by Bay Area Community Land Trust. In 2014, City Council approved a such a grant to the David Brower Center and Resources for Community Development related to the Oxford Plaza development when a transfer to an RCD-affiliated entity for refinancing triggered the transfer tax.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability effects directly associated with the recommendations in this report. Acquisition and rehabilitation projects like 1741-1747 Russell are generally considered a more sustainable type of development.

#### RATIONALE FOR RECOMMENDATION

The allocation of this funding will help preserve 25 units of critically-needed supportive affordable housing in the City of Berkeley, and support the investment the City has already made in the site and services there.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions considered.

#### CONTACT PERSON

Jenny Wyant, Senior Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING A \$95,625 GRANT TO INSIGHT HOUSING TO SUPPORT THE  
RENOVATION OF 1741-1747 RUSSELL STREET

WHEREAS, Insight Housing purchased 1741-1747 Russell Street on August 29, 2023 and paid \$95,625 in City transfer taxes; and

WHEREAS, Insight Housing operates the site as affordable supportive housing; and

WHEREAS, on June 13, 2023 City Council adopted Resolution No. 70,890-N.S. awarding Insight Housing a Housing Trust Fund (HTF) loan to support the acquisition and renovation of the project; and

WHEREAS, a \$95,625 grant would provide additional funding for the renovation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council authorizes the City Manager or her designee to redirect \$95,625 from the General Fund to Insight Housing from transfer tax revenue to support the renovation of 1741-1747 Russell Street, and to take any actions required to deliver the funds.





Human Resources

CONSENT CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager  
Farimah F. Brown, City Attorney

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: At-Will Designations: Employee Relations Manager and Assistant to the City Attorney

RECOMMENDATION

Adopt (1) first reading of an Ordinance 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, and (2) a resolution authorizing amendments to the Unrepresented Employee Manual and all other pertinent documents to effectuate the change; approving a 5% salary differential for the Employee Relations Manager classification, to be set forth in the Unrepresented Employee Manual; and modifying the Employee Relations Manager job specification to state that the incumbent “may act as department head in the absence of the Director of Human Resources.”

FISCAL IMPACT

The recommendation will provide a 5% pay differential for the Employee Relations Manager classification – to be absorbed by the Human Resources Department via the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The unrepresented classification of Employee Relations Manager is designated as career, even though the job responsibilities it sets forth include labor relations, a function that must necessarily align with policies and strategies espoused by the City Manager and City Council.

The unrepresented classification of Assistant to the City Attorney is designated as career, even though the job responsibilities revolve around administrative and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan. The classification of Assistant to the City Attorney was designed to mirror that of

At-Will Designations: Employee Relations Manager and  
Assistant to the City Attorney

CONSENT CALENDAR  
January 30, 2024

Assistant to the City Manager, which is an at-will position; however, at a time of high vacancies in the Human Resources Department, the class was established without the intended exemption from career status.

#### BACKGROUND

These requests were considered by the Personnel Board at its meeting of January 8, 2024 and approved without opposition.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONAL FOR RECOMMENDATION

The nature of the Employee Relations Manager and the Assistant to the City Attorney classifications – both of which are unrepresented – warrants their designation as at-will, given how aligned their work must be with the policies and strategies of the City executives they support.

The 5% differential for the Employee Relations Manager is necessitated by a competitive market for specialists in this particular area of HR.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6800  
Farimah F. Brown, City Attorney, (510) 981-6950

Attachments:

- 1: Ordinance
- 2: Resolution

At-Will Designations: Employee Relations Manager and Assistant to the City Attorney

CONSENT CALENDAR  
January 30, 2024

ORDINANCE NO. ##,###-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04 TO UPDATE SECTION 4.04.120 EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 4.04.120 of the Berkeley Municipal Code is amended to read as follows:

**4.04.120 Exemption from career service (At-will employees).**

The provisions of this chapter shall apply to all positions in the service of the City except:

A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, ~~and~~ Legislative Assistant, and Employee Relations Manager;

B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager’s Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor’s office;

C. All department heads, health officer, and supervising psychiatrist;

D. Persons employed seasonally in the summer camps;

E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if

At-Will Designations: Employee Relations Manager and  
Assistant to the City Attorney

CONSENT CALENDAR  
January 30, 2024

within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



At-Will Designations: Employee Relations Manager and  
Assistant to the City Attorney

CONSENT CALENDAR  
January 30, 2024

RESOLUTION NO. ##,###-N.S.

DESIGNATING THE UNREPRESENTED CLASSIFICATIONS OF EMPLOYEE  
RELATIONS MANAGER AND ASSISTANT TO THE CITY ATTORNEY AS AT-WILL

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the unrepresented classification of Employee Relations Manager is designated as career, even though the job responsibilities it sets forth include labor relations, a function that must necessarily align with policies and strategies espoused by the City Manager and City Council; and

WHEREAS, the Employee Relations Manager classification poses recruitment challenges in a competitive labor market since it requires specialized knowledge; and

WHEREAS, manager-level employees in the Human Resources Department may act as department head in the absence of the Director of Human Resources; and

WHEREAS, the unrepresented classification of Assistant to the City Attorney is designated as career, even though the job responsibilities revolve around administrative and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan; and

WHEREAS, the Assistant to the City Attorney was designed to mirror that of Assistant to the City Manager, which is an at-will classification;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that upon the effective date of the accompanying Ordinance amending Berkeley Municipal Code 4.04.120(A) to designate the unrepresented classifications of Employee Relations Manager and Assistant to the City Attorney as at will, the Unrepresented Employee Manual and all other pertinent documents shall be amended to effectuate the change; and

BE IT FURTHER RESOLVED that the Unrepresented Employee Manual be revised to allow a 5% salary differential for the Employee Relations Manager classification; and

BE IT FURTHER RESOLVED that the job specification for Employee Relations Manager be amended to state that the incumbent “may act as department head in the absence of the Director of Human Resources.”





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Donation: Memorial Bench at Cesar Chavez Park in memory of Samuel Lepie Hallward

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 Samuel Lepie Hallward.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. This cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2024.

CURRENT SITUATION AND ITS EFFECTS

The family of Samuel Lepie Hallward wishes to donate a memorial bench in his memory to be placed at Cesar Chavez Park with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations,

Donation: Memorial Bench at Cesar Chavez Park – Hallward Family

CONSENT CALENDAR  
January 30, 2024

including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6700

Attachments:

1: Resolution

RESOLUTION NO. \_\_\_\_\_ -N.S.

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF  
SAMUEL LEPIE HALLWARD

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Samuel Lepie Hallward wishes to donate a memorial bench in his memory to be placed at Cesar Chavez Park with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation of \$3,400 will be deposited into Marina Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Samuel Lepie Hallward is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Contract No. 31900143 Amendment: Passport Labs Incorporated for a Parking Management System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900143 and any necessary future amendments with Passport Labs Inc. to provide a Parking Management System for an additional two-year contract extension beyond the current contract expiration date of February 4, 2024, and to approve additional appropriations for the performance of this contract.

FISCAL IMPACTS OF RECOMMENDATION

City Council adopted Resolution No. 68,633-N.S. authorizing a five-year contract with Passport Labs Inc. for a total amount not to exceed \$2.87 million. The fiscal impact to the Police Department Contract has been approximately \$818,097 to date, with approximately \$1,976,438 remaining in the contract. The Total Contract amount will not exceed \$2.87 million by extending the term to a total of seven-years.

This contract is associated with a contra revenue account that absorbs the citation processing, permit and collection fees to support this contract. The projected annual fees to be absorbed by the contra revenue account over the next two years is \$923,036. Those fees fluctuate depending on the number of citations and permits that are issued, payments received, and delinquent citations being sought.

CURRENT SITUATION AND ITS EFFECTS

The City's current contract with Passport Labs, Incorporated for parking citation management will expire February 4, 2024. In order to complete a new Parking Management System Request for Proposal (RFP), review and award, a contract term extension is necessary. The previous RFP required almost 12 months to bid, review, and award. Implementation may require six additional months to acquire necessary equipment and software set-up in the City of Berkeley Finance system to ensure robust reporting and multiple systems integration.

BACKGROUND

The Parking Management System RFP will require the development of contract specifications developed by the City of Berkeley, key stakeholders from Customer Service, Finance, Police, Public Works, and the Information Technology Departments. In order to allow sufficient time to bid and award a new contract, a contract extension is necessary.

#### ENVIRONMENTAL SUSTAINABILITY

The current Parking Management System from Passport Labs. Inc. allows the ability for customers to purchase permits and make payments online which may result in reduced Green House Gas emissions from customers and residents. The PMS also utilizes electronic records, which may result in the reduction of paper and other resources.

#### RATIONALE FOR RECOMMENDATION

Without this contract, the City of Berkeley would not be able to continue the issuance, processing, and collection of parking violations occurring within the City of Berkeley. This would also include the revenue generated for the City of Berkeley, as well as, generating revenue which supports City of Berkeley staff in various facets of the parking program.

The Passport Labs contract provides citation processing, collections services, and various customer service resources to support the City Parking Management System and the associated revenue to the City of Berkeley. This contract also assists in support of council directives to implement parking and enforcement programs in support of the expanded Citywide Residential Preferential Parking (RPP) Program, football and special event parking, and citation payment programs.

Passport's Enforcement and Permitting platform allows the City of Berkeley staff mobile handheld ticket issuance, online citation payments, digital permitting, end to end citation processing and collections, and the industry's most data-driven backend management software.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff could let the contract expire but this would not allow the City of Berkeley to have the ability to support the Parking Management Program and capture the revenue generated to support city parking operations, including City of Berkeley staff costs reliant upon this revenue stream.

#### CONTACT PERSON

Jennifer Tate, Provisional Captain, Investigations Division, Police 981-5810

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

CONTRACT #31900143 AMENDMENT: PASSPORT LABS INCORPORATED FOR A  
PARKING MANAGEMENT SYSTEM

WHEREAS, the City of Berkeley issued contract #31900143 to Passport Labs Inc. for a Parking Management System beginning February 4, 2019 and expiring on February 4, 2024; and

WHEREAS, this original contract was authorized by the City Council of the City of Berkeley under resolution #68,633-N.S. for this five year and \$2,870,000 contract; and

WHEREAS, the existing contract expires on February 4, 2024, and the City of Berkeley needs a two-year extension to the current contract to allow time to develop, bid, and award a new contract; and

WHEREAS, this contract is associated with a contra revenue account where the estimated annual fees are \$923,036; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment and any future amendments with Passport Labs Inc. to provide a Parking Management System for a total not to exceed amount of \$2.87 million and for an additional two-year term for a total of seven years.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Andrew Murray, Interim Director Public Works  
Subject: Contract: CESCORP, dba Cal Elite Builders for Corp Yard City Fleet EV Charger Project. Specification No.23-11546-C

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the Corp Yard City Fleet EV Charger Project (Project)., Specification No. 23-11546-C;
2. Accepting the bid of CESCORP, dba Cal Elite Builders 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, for an amount not to exceed \$814,680.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project (\$814,680) is available in the FY 2024 budget:

\$ 814,680: Capital Improvement Fund

|                                                 |           |
|-------------------------------------------------|-----------|
| Low bid by CESCORP dba Cal Elite Builders ..... | \$678,900 |
| Contingency (20%)                               | \$135,780 |
| <hr/>                                           |           |
| Total Construction Cost                         | \$814,680 |

No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department is requesting the execution of a construction contract between the City and CESPORP, dba Cal Elite Builders & Cal Electric. This project includes the installation of a new PG&E service for ten (10) level 2 EV charging stations and one (1) level 3 EV charging station.

Over the years, the City has been decommissioning gasoline-engine vehicles and replacing them with new electric vehicles. The corporation yard currently does not have adequate charging infrastructure for the electric vehicles domiciled at this location. The

fleet is growing and will continue to grow until the City's fleet is fully electric by 2030 as directed by Council.

This Project was advertised for bids on September 4, 2023, under Specification No. 23-11546-C. Bids were opened on October 5, 2023. The City received seven (7) bids in the amounts ranging from \$814,680 to \$1,254,060. The lowest responsive and responsible bidder was determined to be, CESCORP, dba Cal Elite Builders. Therefore, Staff recommends that a construction contract for the Project be awarded to CESCORP dba Cal Elite Builders.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

### BACKGROUND

In July of 2020, the Department of Public Works presented its 2020 Municipal Fleet Electrification Assessment to the Council. This assessment, developed in response to a 2019 referral from requested by the Council, details the department's action plan for the pursuit of a full electrification of the City's municipal vehicle fleet by the year 2030. Public Works' report, and this recommendation, are primarily focused on the electrification of the 40% of Berkeley's fleet that are light-duty vehicles.

While the pursuit of the full electrification of Berkeley's light, medium, and heavy-duty vehicles remains limited by existing technologies, the City Council can and must prioritize the electrification of that portion of the fleet that is ready to be electrified. In order to meet its 2030 electrification goal and its broader climate goal to reach greenhouse gas emissions 80% below 2000 levels by 2050, the City of Berkeley has to make steady investments into the work of electrification.

Public Works is on track to complete conversion of the light duty fleet to EVs by 2028, two years ahead of the assessment's schedule. The Corporation Yard is an especially important location because much of the City's light duty fleet resides there, and without this charging infrastructure, EV conversion will slow dramatically.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of electric vehicles for the municipal fleet will significantly reduce the City's greenhouse gas emissions. While the production of electric vehicles still results in some emissions, shifting away from fossil fuel-powered vehicles will nonetheless drastically advance the City's climate goals.

### RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

### ALTERNATIVE ACTIONS CONSIDERED

None.

Contract: CESCORP dba Cal Elite Builders  
for Corp Yard City Fleet EV Charger Project

CONSENT CALENDAR  
January 30, 2024

CONTACT PERSON

Ronald Nevels, City Engineer, Department of Public Works, (510) 981-6439

Elmar Kapfer, Supervising Civil Engineer, Department of Public Works, (510) 981-6435

Attachments:

1: Resolution

2: Abstract of Bids

RESOLUTION NO. ##,###-N.S.

CONTRACT: CESCORP, DBA CAL ELITE BUILDERS FOR CORP YARD CITY FLEET EV CHARGER PROJECT. SPECIFICATION NO. 23-11546-C

WHEREAS, the Corporation Yard requires a new electric service for the installation of 10 level 2 chargers and 1 level 3 charger; and

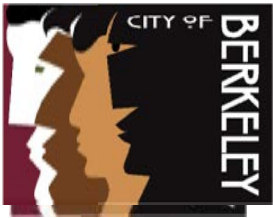
WHEREAS, the project consists of site and electrical upgrades for the installation of City fleet EV chargers per Plans and Specifications No.23-11552-C; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids (Plans and Specifications No.23-11546-C) was duly advertised, and CESCORP, dba Cal Elite Builders was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2024 budget in the Capital Improvements Fund.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with CESCORP, dba Cal Elite Builders for the Corp Yard City Fleet EV Charger Project in an amount not to exceed \$814,680. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



**City of Berkeley  
Abstract of Bid Worksheet**




Finance Department  
General Services Division

**Bid Date:** 10/5/2023  
**Spec. #** 23-11546-C

**FOR:** [Corp Yard City Fleet EV Charging Project](#)

required w/ bid

|    | <b>Bidders</b>                                   | <b>Base Bid</b> | <b>Addenda (2)</b> | Bid Bond | Reg / Exp | Subcontractors | Non-Collusion | CERTS |
|----|--------------------------------------------------|-----------------|--------------------|----------|-----------|----------------|---------------|-------|
| 1  | Ample Electric, Inc.                             | \$ 1,216,000.00 | X                  | X        | X         | X              | X             | X     |
| 2  | Buhler Commerical                                | \$ 973,000.00   | X                  | X        | X         | X              | X             | X     |
| 3  | Cescorp dba://Cal Elite Builders Single Envelope | \$ 678,900.00   | X                  | X        | X         | X              | X             | X     |
| 4  | CWS Construction Group                           | \$ 845,000.00   | X                  | X        | X         | X              | X             | X     |
| 5  | ERA Construction, Inc. Single Envelope           | \$ 820,000.00   | X                  | X        | X         | X              | X             | X     |
| 6  | Ray's Electric                                   | \$ 1,068,206.00 | X                  | X        | X         | X              | X             | X     |
| 7  | Par Western Line Contractors                     | \$ 1,254,060.00 | 1 Addendum         | X        | X         | X              | X             | X     |
| 8  |                                                  |                 |                    |          |           |                |               |       |
| 9  |                                                  |                 |                    |          |           |                |               |       |
| 10 |                                                  |                 |                    |          |           |                |               |       |

|                  |                |                                                                                                                             |             |      |
|------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------|-------------|------|
| Bid Recorder:    | Josh Roben     | <br>Josh Roben (Oct 6, 2023 08:34 PDT) | Oct 6, 2023 | Date |
| Bid Opener:      | Darryl Sweet   |                                        | Oct 5, 2023 | Date |
| Project Manager: | Uriel Gonzalez |                                        | Oct 5, 2023 | Date |



# ABSTRACT 23-11546-C EV Charger Project

Final Audit Report

2023-10-06

|                 |                                               |
|-----------------|-----------------------------------------------|
| Created:        | 2023-10-05                                    |
| By:             | Josh Roben (JRoben@berkeleyca.gov)            |
| Status:         | Signed                                        |
| Transaction ID: | CBJCHBCAABAADXFu8AyBjnScI SDn6c035G-6a79KbiLL |

## "ABSTRACT 23-11546-C EV Charger Project" History

-  Document created by Josh Roben (JRoben@berkeleyca.gov)  
2023-10-05 - 9:47:07 PM GMT
-  Document emailed to Uriel Gonzalez (ugonzalez@berkeleyca.gov) for signature  
2023-10-05 - 9:48:50 PM GMT
-  Email viewed by Uriel Gonzalez (ugonzalez@berkeleyca.gov)  
2023-10-05 - 9:49:33 PM GMT
-  Document e-signed by Uriel Gonzalez (ugonzalez@berkeleyca.gov)  
Signature Date: 2023-10-05 - 11:05:24 PM GMT - Time Source: server
-  Document emailed to Darryl Sweet (DSweet@berkeleyca.gov) for signature  
2023-10-05 - 11:05:25 PM GMT
-  Email viewed by Darryl Sweet (DSweet@berkeleyca.gov)  
2023-10-05 - 11:05:46 PM GMT
-  Document e-signed by Darryl Sweet (DSweet@berkeleyca.gov)  
Signature Date: 2023-10-05 - 11:05:56 PM GMT - Time Source: server
-  Document emailed to Josh Roben (JRoben@berkeleyca.gov) for signature  
2023-10-05 - 11:05:58 PM GMT
-  Email viewed by Josh Roben (JRoben@berkeleyca.gov)  
2023-10-06 - 3:34:34 PM GMT
-  Document e-signed by Josh Roben (JRoben@berkeleyca.gov)  
Signature Date: 2023-10-06 - 3:34:46 PM GMT - Time Source: server
-  Agreement completed.  
2023-10-06 - 3:34:46 PM GMT





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Andrew Murray, Interim Public Works Director  
Subject: Contract: CESCORP, dba Cal Elite Builders & Cal Electric for the Central Library HVAC Replacement Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for Central Library HVAC Replacement Project, Specification No.23-11600-C;
2. Accepting the bid of CESCORP, dba Cal Elite Builders & Cal Electric 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, for an amount not to exceed \$1,566,000, which includes a contingency of \$261,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is fully programmed in the FY 2024 budget in the Library Tax Fund. Costs will be assigned Project Code LB2146.

All costs will be paid from the Library Tax Fund including amendments, extensions or other change orders until completion of the project.

- \$1,566,000: .....Library Tax Fund

|                                                                 |                    |
|-----------------------------------------------------------------|--------------------|
| Low bid by CESCORP, dba Cal Elite Builders & Cal Electric ..... | \$1,305,000        |
| 20% Contingency                                                 | \$261,000          |
| <b>Total Construction Cost NTE</b>                              | <b>\$1,566,000</b> |

No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department, jointly with the Library, is requesting the execution of a construction contract between the City and CESPORP, dba Cal Elite Builders & Cal

Electric to replace the rooftop air conditioning units of the Central Library's Bancroft building annex and Kittredge Branch.

The existing air conditioning units and control systems were first placed in service in 2002 and are at the end of their useful service life. The existing units require frequent maintenance and are increasingly breaking down, leading to uncomfortable conditions during warm weather. This project will replace all of the existing air conditioning units and several exhaust fans for both the Kittredge and Bancroft Branch libraries to provide a safer and more comfortable environment for Staff and patrons, which is consistent with the stakeholder feedback communicated through the Library's 2023 Strategic Planning Process.

In September 2021, the City initiated redesign and replacement of the HVAC system with the Berkeley based architectural engineering firm Noll & Tam Architects leading up to the release on Tuesday, September 5, 2023, of RFP Specification No. 23-11600-C for the Central Library HVAC Replacement Project.

Bids were opened on Tuesday, October 10, 2023. The City received 2 bids ranging from \$1,305,000 to \$1,775,900. CESCORP dba Cal Elite Builders was the lowest responsive and responsible bidder and their references were provided and verified satisfactorily. Staff recommends that a construction contract for the Central Library HVAC Replacement Project be awarded to CESCORP, dba Cal Elite Builders.

The project is in alignment with the City's Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

In April 2002, the Central Library completed a major renovation and earthquake retrofitting project financed by Measure S, a 1996 voter bond measure financing rehabilitation of the Library and other Civic Center improvements in the City's downtown. Consequently, the Central Library enlarged its footprint with a new wing – the Bancroft building annex – allowing for expanded public service areas on two floors, a Community Meeting Room, and dedicated staff and administrative office areas. The HVAC system for the Central Library was last upgraded at this time.

In recent years, the aging HVAC system has increasingly struggled to maintain optimal climate control, resulting in frequent breakdowns and demanding extensive maintenance. These ongoing issues have caused discomfort for patrons and Staff due to temperature fluctuations, and have increased maintenance costs.

Public Works and Library Staff engaged the services of an architectural firm to begin evaluating replacement of the existing HVAC system in September 2021. The project will replace six rooftop air conditioning units, rooftop exhaust fans, ducting, and related electrical and roofing work.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The new HVAC equipment and controls will comply with the latest energy efficiency standards and reduce energy use. There are no anticipated negative environmental effects of this action.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

ALTERNATIVE ACTIONS CONSIDERED

None. Keeping equipment longer than its useful life results in higher maintenance costs and excessive downtimes in order to keep operating in a safe and serviceable manner.

CONTACT PERSON

Ronald Nevels, Manager of Engineering, Department of Public Works (510) 981-6439  
Elmar Kapfer, Supervising Civil Engineer, Department of Public Works (510) 981-6435  
Titus Chen, Associate Civil Engineer, Department of Public Works (510) 981-6410  
Tess Mayer, Director of Library Services, Berkeley Public Library (510) 981-6195

Attachments:

- 1: Resolution
- 2: Abstract of Bids

RESOLUTION NO. ##,###-N.S.

CONTRACT: CESCORP, DBA CAL ELITE BUILDERS & CAL ELECTRIC FOR THE  
CENTRAL LIBRARY HVAC REPLACEMENT PROJECT

WHEREAS, the existing HVAC system, first placed in service in 2002 at Central Library's Bancroft building annex and Kittredge Branch, located at 2090 Kittredge Street, has reached the end of its useful service life.; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this repair project; and

WHEREAS, an invitation for bids (Plans and Specifications No. 23-11600-C) was duly advertised, and CESCORP, dba Cal Elite Builders & Cal Electric was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are programmed in the FY 2024 budget in the Library Tax Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specification No. 23-11600-C for the Central Library HVAC Replacement Project are approved, and CESCORP, dba Cal Elite Builders & Cal Electric is determined to be the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with CESCORP, dba Cal Elite Builders & Cal Electric for the Central Library HVAC Replacement Project at 2090 Kittredge Street, in an amount not to exceed \$1,566,000. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

**Bid Date:** 10.10.2023  
**Spec. #** 23-11600-C

**FOR:** Central Library HVAC Replacement Project

|    | Bidders        | Base Bid | Alternate | required w/ bid |          |           |                |               |       |
|----|----------------|----------|-----------|-----------------|----------|-----------|----------------|---------------|-------|
|    |                |          |           | Addenda (2)     | Bid Bond | Reg / Exp | Subcontractors | Non-Collusion | CERTS |
| 1  | CAL-ELITE      | 679,000  | 626,000   | ✓               | ✓        | ✓         | ✓              | ✓             | ✓     |
| 2  | FRANK M. BOOTH | 770,600  | 1,005,300 | ✓               | ✓        | ✓         | ✓              | ✓             | ✓     |
| 3  |                |          |           |                 |          |           |                |               |       |
| 4  |                |          |           |                 |          |           |                |               |       |
| 5  |                |          |           |                 |          |           |                |               |       |
| 6  |                |          |           |                 |          |           |                |               |       |
| 7  |                |          |           |                 |          |           |                |               |       |
| 8  |                |          |           |                 |          |           |                |               |       |
| 9  |                |          |           |                 |          |           |                |               |       |
| 10 |                |          |           |                 |          |           |                |               |       |

Bid Recorder:

Bid Opener:

Project Manager:

*DARRYL SWEET*

\_\_\_\_\_  
10/20/2023 Date  
\_\_\_\_\_  
10/10/2023 Date  
\_\_\_\_\_ Date





CONSENT CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Public Works Director

Subject: Contracts: On-Call Construction and Project Management Services:  
Hollins Consulting, Inc., Kitchell/CEM, Inc., and O'Connor Construction  
Management, Inc.

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction management and project management services (CM/PM) for capital improvement projects, each for the period of January 1, 2024 through June 30, 2025:

1. Hollins Consulting, Inc. (Hollins), for an amount not to exceed \$2,800,000.
2. Kitchell/CEM, Inc. (Kitchell), for an amount not to exceed \$2,800,000.
3. O'Connor Construction Management, Inc. (OCMI), for an amount not to exceed \$2,800,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the on-call contracts is available in the Fiscal Year (FY) 2024 through 2025 budget, as follows:

| Fund                       | Amount      |
|----------------------------|-------------|
| 511 (T1)                   | \$7,200,000 |
| 501 (Capital Improvements) | \$1,200,000 |

Funding for FY 2025 is subject to appropriation in future fiscal years' capital improvement budget and will be identified as projects arise.

CURRENT SITUATION AND ITS EFFECTS

Over the next several years, the Engineering Division of the Public Works Department and the Parks, Recreation, and Waterfront Department are expecting significantly increased workloads, resulting from deferred maintenance, on-going capital projects, and T1 projects. The first T1 phase will include design or construction of over twenty facility projects during the next three years. For buildings maintained by the Public Works Department and the Parks, Recreation, and Waterfront Department, the CM/PM consultants will support staff to complete projects as needed.

The City has used CM/PM consultants in the past to supplement City staff. The CM/PM services may cover all project phases including planning, design, and construction management services during construction. The consultant may serve as the City's project manager during planning and design or serve as the construction manager during construction.

Awarding these CM/PM consultant contracts is consistent with the City's Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

Requests for Qualifications (RFQ) were issued on April 18, 2023, (Specification No. 23-11581-C) seeking qualified firms or individuals to provide on-call project and construction management services for capital improvement projects.

On May 23, 2023, the City received 11 proposals from construction and project management firms, which were evaluated by a review panel consisting of City staff in the Public Works Department Engineering Division and Parks, Recreation & Waterfront Department Capital Division. Hollins, Kitchell, and OCMI were determined to be the best qualified to meet the City's needs. All three firms demonstrated exceptional experience and ability in delivering projects similar in scope to the City's upcoming capital projects.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The capital improvement projects that the awarded CM/PM consultants will be tasked to manage are consistent with the City's goals to increase energy and water efficiency. There are no anticipated negative environmental or climate impacts from these CM/PM consultant contracts.

### RATIONALE FOR RECOMMENDATION

Hollins, Kitchell, and OCMI have particular expertise in CM/PM support. They were the top three ranked firms and are the best qualified to meet the City's needs.

City staff recommends awarding a contract to all three consultants to get the best value for the City, because it will distribute the anticipated workload, create an alternative source for services, and secure more competitive proposals.

City staff have previously worked with CM/PM consultants when anticipated workloads exceeded staff capacity.

### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City needs assistance from project and construction management services firms to complete required work. CM/PM support will be critical to complete T1 projects within the established time frame.

### CONTACT PERSON

Ronald Nevels, City Engineer, Public Works, (510) 981-6439  
Elmar Kapfer, Supervising Civil Engineer Public Works, (510) 981-6435  
Titus Chen, Associate Civil Engineer Public Works, (510) 981-6410



Attachments:

- 1: Resolution: Contract with Hollins Consulting, Inc.
- 2: Resolution: Contract with Kitchell/CEM, Inc.
- 3: Resolution: Contract with O'Connor Construction Management, Inc.

RESOLUTION NO.:##,###-N.S.

CONTRACT: HOLLINS CONSULTING, INC. FOR ON-CALL CONSTRUCTION AND PROJECT MANAGEMENT (CM/PM) SERVICES FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on April 18, 2023 the City released a Request for Qualifications (Specification No. 23-11581-C) seeking firms or individuals to provide on-call CM/PM services for capital improvement projects; and

WHEREAS, on May 23, 2023, the City received 11 submissions, which were reviewed and rated; and

WHEREAS, the submission from Hollins Consulting, Inc. has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Hollins Consulting, Inc. for on-call construction and project management services for capital improvement projects for the contract period of January 1, 2024 through June 30, 2025 in an amount not to exceed \$2,800,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO.:-N.S.

CONTRACT: KITCHELL/CEM, INC. FOR ON-CALL CONSTRUCTION AND PROJECT MANAGEMENT (CM/PM) SERVICES FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on April 18, 2023 the City released a Request for Qualifications (Specification No. 23-11581-C) seeking firms or individuals to provide on-call CM/PM services for capital improvement projects; and

WHEREAS, on May 23, 2023, the City received 11 submissions, which were reviewed and rated; and

WHEREAS, the submission from Kitchell/CEM, Inc. has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Kitchell/CEM, Inc. for on-call construction and project management services for capital improvement projects for the contract period of January 1, 2024 through June 30, 2025 in an amount not to exceed \$2,800,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO.:-N.S.

CONTRACT: O'CONNOR CONSTRUCTION MANAGEMENT, INC. CONSULTING FOR ON-CALL CONSTRUCTION AND PROJECT MANAGEMENT (CM/PM) SERVICES FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on April 18, 2023 the City released a Request for Qualifications (Specification No. 23-11581-C) seeking firms or individuals to provide on-call CM/PM services for capital improvement projects; and

WHEREAS, on May 23, 2023, the City received 11 submissions, which were reviewed and rated; and

WHEREAS, the submission from O'Connor Construction Management, Inc. has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments O'Connor Construction Management, Inc. for on-call construction and project management services for capital improvement projects for the contract period of January 1, 2024 through June 30, 2025 in an amount not to exceed \$2,800,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Andrew Murray, Interim Director Public Works  
Subject: Contract: Shaw Industries, Inc. for Civic Center Building Carpet Replacement Project

RECOMMENDATION

Adopt a Resolution:

1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures;
2. Approving the CMAS Contract with Shaw Industries, Inc. for Carpet Replacements at the Civic Center Building;
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 terms and conditions of the agreements with Shaw Industries, Inc. in an amount not to exceed \$311,348, which includes a contingency of \$29,045.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this carpet replacement project is available in the Fiscal Year 2024 Facilities Capital Improvement Program (CIP) budget from the Capital Improvement Fund (501).

Cost:

|                    |                   |
|--------------------|-------------------|
| Carpet Replacement | \$ 282,303        |
| Contingency        | \$ 29,045         |
| <b>Total Cost</b>  | <b>\$ 311,348</b> |

FY 2024 Funding:

|                                |                  |
|--------------------------------|------------------|
| Capital Improvements Fund      | \$311,348        |
| <b>Total Construction Cost</b> | <b>\$311,348</b> |

CURRENT SITUATION AND ITS EFFECTS

Existing floor carpets at the Civic Center Building, located at 2180 Milvia Street, are in need of replacement on the first floor (City Clerk Dept.) and on the Second floor (Environmental Health and Housing Departments). Most of the carpets are very old and have surpassed their typical life expectancy of twenty years.

Shaw Industries, Inc. was selected through the California Multiple Award Schedule (CMAS) bid procedure. This allows the City to procure a contractor that was previously selected through the State of California bidding process. All pricing, products and/or services offered to the State of California through this system are made available to the City. Making use of this process results in cost savings and expedites contractor selection.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

### BACKGROUND

The existing broadloom carpets in the Civic Center Building are over twenty years old and need replacement. There are numerous locations throughout the building, where carpet failures are visible, including crushed carpeting padding, seam failures, heavy staining, and other deficiencies that are typical of a carpet that has exceeded its useful life.

In 2015, the City developed technical specifications for carpet tiles to be used in City owned buildings. The specifications have been used for several past projects, including the Public Safety Building Carpet Replacement Project in 2017 and the Civic Center Carpet Replacement in 2020. The carpet tiles proved to be a well-received, low-maintenance, and less expensive to install than non-tile carpets.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed product meets criteria established in the specifications, which is in accordance with the sustainable resolutions and ordinances administered by the City's Office of Energy and Sustainable Development, the City's Revised General Plan, the City's Climate Action Plan, and CalGreen. The project will replace the existing carpet with PVC free carpet tiles that are 100% recyclable.

### RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work. Shaw Industries, Inc. provided a cost-effective price, complying with the City's carpet specifications.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Ronald Nevels, Manager of Engineering, Public Works Department (510) 981-6439  
Elmar Kapfer, Supervising Civil Engineer, Public Works Department(510) 981-6435

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: SHAW INDUSTRIES, INC. FOR THE CIVIC CENTER BUILDING  
CARPET REPLACEMENT PROJECT

WHEREAS, the existing broadroom carpeting in the Civic Center Building is in need of replacement; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this renovation project; and

WHEREAS, City Charter Article XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process when using pricing obtained by the State of California through a competitive process; and

WHEREAS, the California Multiple Award Schedule (CMAS) is available to state and local governments; and

WHEREAS, the California Department of General Service Procurement Division determined Shaw Industries, Inc.'s bid pricing to be fair and reasonable and awarded CMAS Contract No. 4-20-00-0125B; and

WHEREAS, funds are available in the FY 2024 Budget in the Capital Improvement Fund (501).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the terms and conditions of the agreement with Shaw Industries, Inc. for the carpet replacement project at the Civic Center Building, in an amount not to exceed \$311,348; which includes an authorized contingency of \$29,045. A record signature copy of the agreement and any amendments to be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Murray, Interim Public Works Director

Subject: Contract No. 108007-1 Amendment: Don's Tire Services, Inc. for Tire Repair Services for City Fleet Vehicles

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles in the amount of \$650,000 for a total not-to-exceed amount of \$1,073,534 and extend the contract through the June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment in the amount of \$300,000 is available in the FY 2024 Equipment Maintenance Fund 672. Additional funding will be made available and appropriated as needed in future fiscal year budgets.

CURRENT SITUATION AND ITS EFFECTS

The Equipment Maintenance Division of the Public Works Department needs additional spending authority in Contract No. 108007-1 to pay for ongoing tire repair and replacement services for automobile and truck tires. The spending limit authorized by Council (Resolution No. 70,434-N.S) has been reached. Amending the contract supports the Strategic Plan Priority Project of advancing our goal of creating a resilient, safe, connected, and prepared city.

BACKGROUND

On May 14, 2015, Public Works released a Request for Proposals (RFP specification no. 15-10942-C) for tire repair service. Two proposals were received, Equipment Maintenance and General Services staff reviewed the proposals and determined Don's Tire Service, Inc. was the most responsive and responsible proposer that met the specifications.

Don's Tire Services, Inc. provides a wide variety of tire services including heavy-duty tire balancing and installations, road tire service, and service of our undercover Police vehicles. In addition, they are able to supply tires in an emergency if the City's other

contracted vendor, Bruce's Tires, is unable to. This redundancy is critical to support emergency vehicles and our Zero Waste Division.

Don's Tire Services, Inc. is located within the City and has provided cost-effective and reliable automobile and truck tire repair and replacement services for City fleet vehicles since September 2015.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Don's Tire Services, Inc. eliminates tire and parts waste by following Environmental Protection Agency guidelines to properly dispose of and recycle used and scrap tires, waste oil, oil filters, and old wheel weights, in keeping with the City of Berkeley's Zero Waste goal.

RATIONALE FOR RECOMMENDATION

Don's Tire Services, Inc. has provided quality services under the terms of their agreement and is needed to ensure the City's fleet vehicles are serviced in a timely fashion should the other contracted vendor be unable to provide immediate service. Additionally, they are a Berkeley-based business located in close proximity to the City's heavy-duty maintenance shop at the Transfer Station.

ALTERNATIVE ACTIONS CONSIDERED

None. In the next year, the Equipment Maintenance Division will be conducting a competitive solicitation for a longer-term contract for tire repair services for City Fleet vehicles.

CONTACT PERSON

Greg Ellington, Equipment Superintendent, Public Works, (510) 981-6469  
Joy Brown, Operations Manager, Public Works, (510) 981-6629

Attachment:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 108007-1 AMENDMENT: DON'S TIRE SERVICES, INC. FOR TIRE REPAIR SERVICES FOR CITY FLEET VEHICLES

WHEREAS, On September 15, 2015, the Council adopted Resolution No. 67,196-N.S., authorizing repair services for automobile and truck tires for City fleet vehicles, and

WHEREAS, on November 17, 2020, the Council adopted Resolution No. 69,613-N.S. to extend the contract and increase the spending authority to \$273,534; and

WHEREAS, on June 28, 2022, the Council adopted Resolution No. 70,434-N.S. to extend the contract and increase the spending authority to \$423,534; and

WHEREAS, the authorizing spending authority and term of the contract has reached its limit; and

WHEREAS, the specialized services for Don's Tires are needed to support the City's fleet and emergency response, and is a Berkeley based business; and

WHEREAS, Funding for this contract amendment in the amount of \$300,000 is currently available in the FY 2024 Equipment Maintenance Fund 672 and future funding will be appropriated in future fiscal year budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 108007-1 with Don's Tire Services to execute a Waiver of Competitive Solicitation and increase the contract amount by \$650,000 for a new total not to exceed of amount of \$1,073,534 and extend the contract through the June 30, 2025.





Office of the City Manager

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Andrew Murray, Interim Director, Public Works  
 Subject: Lease Agreement: We Wield The Hammer at 2440 Durant Avenue in the  
 Telegraph-Channing Mall and Garage

RECOMMENDATION

Adopt first reading of an Ordinance 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.

FISCAL IMPACTS OF RECOMMENDATION

The lease agreement anticipates total revenue of \$62,615 for the initial five (5) year term for the premises consisting of 620 square feet of retail space and use of building common areas including the tenant only restrooms and trash and recycling room in Telegraph-Channing Mall and Garage located at 2431 Channing Way, Berkeley, California, 94704. The initial monthly price per square foot is \$1.75 with an annual adjustment of 3% beginning the second year of the lease.

The City agrees to abate the rent for the six months following the lease commencement date. This abatement totals \$6,510 in savings for the proposed tenant in support of completing permanent improvements to the leased space. The tenant will be responsible for payment of all PG&E charges associated with the meter serving 2440 Durant from the commencement date of the lease. Revenue will be deposited into the Off-Street Parking Fund Revenue Account.

CURRENT SITUATION AND ITS EFFECTS

2440 Durant Avenue is one of fifteen storefronts located on the ground floor of Telegraph-Channing Mall and Garage ("TCM"). 2440 Durant Avenue has been vacant since the permanent closing of Joy's Sportswear, a Cal gear store, in February 2020. One month after its closing was the start of the COVID-19 Shelter in Place Order. Only one business in TCM, The Postal Annex, met the criteria to stay open during this time. At the beginning of 2023, Public Works posted on its website and at the vacant storefront that applications for tenancy were being accepted with first review of

applications to begin March 15, 2023. In addition to posting on the City website and at the storefront, emails and phone calls were sent to parties that asked to be contacted should a space become available. We Wield The Hammer was one of the organizations on that list. After careful review of submitted applications, We Wield The Hammer was offered tenancy and accepted it on August 31, 2023.

Public Works opted to continue to post the space as available until City Council approves the lease for execution by the City Manager. All inquiries since WWTH's acceptance have been for restaurants that require cooking hoods and vents neither of which are available or possible in the 2440 Durant space. As a result, no additional applications for tenancy have been submitted.

### BACKGROUND

Finding tenants for the Mall and setting an appropriate market rate price for the storefronts is challenging due to the building's age, limited improvements since construction, and the limited access most spaces have to street frontages on Durant Avenue and Channing Way. By comparing the previous tenant's base rent rate escalated by CPI increases (capped at 3% per year) over the last ten years to Cushman and Wakefield Market Beat Q4 2022 report on asking rents for Shopping Centers in this region it was determined that \$1.75 per square foot per month was a fair base rent rate for the space. That rate represents roughly a 25% discount from market rate and includes additional per square foot charge to cover common water service and zero waste services shared by all building tenants.

### Building History and Condition

The building was built in 1960 with the last major improvement completed in 1997. Pedestrian access to the garage is via elevators located at the center of the building. Public passage ways from Durant Avenue and Channing Way lead to the building's center and are open during the garage's hours of operation (7 AM to midnight most days, 1 AM on Fridays and Saturdays). The passage ways are lined with storefronts with the option to stay open the same hours as the garage. Only two storefronts on Durant and three on Channing have direct access from the sidewalk and therefore can be open beyond the garage's hours of operation. These five stores also have access to and use of porticos available for a range of uses if approved by the City (flower and plant sales, seating, etc.). Consequently, the five stores garner a high rent per square foot than most spaces near the buildings center. The building has no air conditioning and no heating system. Tenants may add and maintain heaters to their space at their own expense. The building was not constructed with exhaust and ventilation paths necessary for full-service restaurant stoves and hoods – the most requested space attribute from potential tenants.

Seismic upgrades completed in 1997 changed the building's appearance by adding the now iconic red-orange steel girder supports on both the Durant and Channing facades

of the building. Replacement of the elevators and renovation of the public restrooms are planned for FY2024-26. Staff anticipates some additional minor improvements including painting, new tenant signs and directories, and accessibility improvements but no major renovations that could attract a broader range of tenants and garner higher rent rates are anticipated. This combination of attributes and deficits prevents the City from charging true market rates enjoyed by other owners in the business district but does provide the opportunity for continued small business operation and development – one tenant opened in 1977 and several others started in the 1980s. Future leases anticipated to come before City Council in 2024 for spaces fronting on Channing will be discounted roughly 20% below market rate while those without street frontage, like this lease, will be discounted roughly 25% below market rate as calculated by the City to adjust for the building's attributes and deficits.

#### We Wield The Hammer

WWTH will operate a unique business with positive benefits for other Mall tenants, customers, and pedestrians. WWTH anticipates operating in the afternoons, evenings, and on the weekends. This is beneficial to the City because 2440 Durant is the storefront closest to the parking payment machines, elevators, and public restrooms - a business open at this location creates an increased sense of safety for garage customers and pedestrians.

The majority of businesses in the Mall are highly dependent on UC Berkeley students and find it challenging to meet financial goals during school breaks and holidays. WWTH anticipates drawing a significant percentage of its customers from the larger San Francisco-East Bay Area and beyond. Other Mall tenants may benefit from exposure to this new customer base likely to spend, in some cases multiple days completing trainings, classes, and shopping.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no significant environmental sustainability impacts related to this action.

#### RATIONALE FOR RECOMMENDATION

WWTH is a unique nonprofit organization prioritizing teaching African-American women traditional metalsmithing skills in addition to offering metalsmithing and jewelry making classes and associated tools, equipment, books, and materials to all. Additionally, WWTH was the most financially qualified, responsive and proactive applicant for the space.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered four other applicants seeking tenancy for 2440 Durant. One did not submit a complete application. Two submitted complete applications but either could not demonstrate financial readiness to complete the tenant improvements necessary for successful business startup and operation or wanted to run a business unsuitable for the location. One applicant withdrew consideration for the space once they determined

it was too small to meet their needs. We Wield The Hammer was the only organization that met or exceeded financial criteria for tenancy and desiring to operate a business suited to the location.

CONTACT PERSON

Dionne Early, Community Development Project Coordinator, Public Works, (510) 981-6453

Attachments:

1: Ordinance

Exhibit A: Lease Agreement



ORDINANCE NO. -N.S.

LEASE AGREEMENT: WE WIELD THE HAMMER AT TELEGRAPH-CHANNING MALL  
AND GARAGE, 2440 DURANT AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. FINDINGS:

The City owns the Telegraph-Channing Mall and Garage, and We Wield The Hammer, a 501c3 nonprofit organization, seeks to lease 2440 Durant Avenue at the premises for purpose of operating a retail business offering specialized classes and related materials to the public.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 2440 Durant Avenue, Berkeley CA:

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with We Wield The Hammer for real property located at 2440 Durant Avenue, a ground floor retail space in the City of Berkeley Telegraph-Channing Mall and Garage. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits

A: Lease Agreement

**TELEGRAPH-CHANNING MALL LEASE**

This lease is made on \_\_\_\_\_, 2023, between the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California and We Wield The Hammer ("Tenant"), a 501c3 nonprofit organization, who agree as follows:

*This Lease is made with reference to the following facts and objectives:*

A. Landlord is the owner of the real property at 2440 Durant Avenue located inside Telegraph-Channing Mall & Garage, 2431 Channing Way, Berkeley, California 94704, ("Premises") as further described in Exhibit A, attached to and made a part of this Lease.

B. Tenant is willing to lease the Premises from Landlord pursuant to the provisions stated in this lease.

C. Tenant wishes to lease the Premises for the purpose of operating a metalsmithing training program and retail store.

D. Tenant has examined the Premises and is fully informed of the condition thereof and agrees to accept it in "as-is" condition.

**1. DESCRIPTION OF PREMISES**

Landlord leases to Tenant and Tenant leases from Landlord the Premises described above.

**2. TERM**

The term of this lease shall commence on the effective date of the Ordinance which authorizes this lease unless the Ordinance provides otherwise and shall be for a period of five (5) years plus the partial month, if any, immediately preceding the first full calendar month of this lease. Tenant shall have an option to extend the term of this Lease for an additional period of five (5) years, pursuant to Section 35 of this Lease. The effective date of the Ordinance shall be no less than thirty (30) days after the second reading of the Ordinance and its approval by City Council. The Term is further described in Exhibit B, attached to and made a part of this Lease.

**3. RENT**

Tenant shall pay to Landlord as monthly rent, without deduction, setoff, prior notice, or demand, the sum of \$1,085.00 per month in advance on the first day of each month, commencing on the date the Term commences, and continuing during the Term. Monthly rent for the first month or portion of it shall be paid on the day the Term commences. Monthly rent

for any partial month shall be prorated at the rate of 1/30th of the monthly rent per day. All rent shall be paid to Landlord at the address to which notices to Landlord are given.

The City agrees to abate the rent for the six months following the lease commencement date. Tenant will be responsible for all PG&E payments associated with 2440 Durant from the commencement date of the lease.

**4. PERIODIC RENT INCREASES**

The monthly rent shall be increased at the commencement of the second year of the Term and each year thereafter ("the adjustment date"). The adjusted monthly rent will be calculated by adding three percent (3%). Monthly rent increases based on the annual 3% adjustment have been calculated and are further described in Exhibit C, attached to and made a part of this Lease.

**5. SECURITY DEPOSIT**

a. As security for the full and faithful performance by Tenant of each and every term, provision, covenant, and condition of this lease, Tenant shall deposit with Landlord cash in an amount equal to one month's payment of rent. Such security shall be deposited on or before the effective date of the ordinance authorizing this lease.

b. Tenant waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord may claim from a security deposit only those sums reasonably necessary to remedy defaults in the payment of rent, to repair damage caused by Tenant, or to clean the Premises.

c. If Tenant defaults in respect to any of the terms, provisions, covenants and conditions of this lease, including but not limited to the payment of rent, Landlord may use the security deposit or any portion of it to cure the default or compensate the Landlord for all damage sustained by Landlord resulting from Tenant's default. If Landlord so uses any portion of the security deposit, Tenant will restore the security deposit to its original amount within ten (10) days after written demand from Landlord.

d. Landlord will not be required to keep the security deposit separate from its own funds and Tenant shall not be entitled to interest on the security deposit. The security deposit will not be a limitation on Landlord's damages or other rights under this lease, or a payment of liquidated damages, or an advance payment of the rent. If Tenant pays the rent and performs all of its other obligations under this lease, Landlord shall return the unused portion of the security deposit to Tenant within sixty (60) days after the end of the term; however, if Landlord has evidence that the security deposit has been assigned to an assignee of the Tenant, Landlord shall return the security deposit to the assignee. Landlord may deliver the security deposit to a purchaser of the Premises and be discharged from further liability with respect to it. Tenant

waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord shall return the security deposit no later than thirty (30) days after the Landlord receives possession of the Premises.

**6. LATE CHARGES**

Tenant acknowledges that late payment by Tenant to Landlord of rent and other sums due hereunder will cause Landlord to incur costs not contemplated by this lease, the exact amount of which will be extremely difficult to ascertain. Therefore, if any installment of rent or any other sum due from Tenant is not received by Landlord within ten (10) days after such amount is due, then, without any requirement for notice to Tenant, Tenant shall pay to Landlord a late charge equal to ten percent (10%) of such overdue amount. The parties agree that this late charge represents a fair and reasonable estimate of the costs that Landlord will incur by reason of late payment by Tenant. Acceptance of such late charge by Landlord shall in no event constitute a waiver of Tenant's default with respect to such overdue amount, nor prevent Landlord from exercising any of the other rights and remedies available to it.

**7. USE OF PREMISES; OPERATION**

a. Tenant will use the Premises for the purpose of providing metalsmith training, jewelry making and metalsmith workshops, and selling related tools, supplies, branded gear, and other related items and agrees to continuously and uninterruptedly occupy and use the entire leased Premises for said purpose and to maintain adequate personnel for the efficient service of clients or customers. Tenant shall not use nor permit the use of the whole or any part of the Premises for any other purpose without the Landlord's prior written consent.

b. Business may be conducted with the public on the leased Premises at any time on any day, provided that, 1) to do business after 10:00 p.m. on any day Tenant shall have obtained any permit required by federal, state or local law; and 2) Tenant hours of operation have been approved by the Landlord, including vacation, holiday, and seasonal schedule changes and/or closures (if any).

c. Tenant agrees to abide by all facility "Rules and Regulations" and are further described in Exhibit D, attached to and made a part of this Lease. Amendments to Exhibit D may be made from time to time and do not require approval by City Council.

d. In addition to Tenant's agreement to abide by all other restrictions on Tenant's use, Tenant hereby covenants that it shall not use the demised premises to engage in either the primary business of a flower shop, which shall include engaging in the primary business of selling flowers, plants, or related supplies nor the primary business of a deli/sandwich shop, which shall include engaging in the primary business of selling made to order sandwiches. Tenant agrees that any violation of these use restrictions shall constitute a default by Tenant

under this Lease, and that Landlord's notice to Lessee of this specific use restriction shall not be deemed a waiver by Landlord of any other use restriction imposed on the Tenant for the use of the demised Premises.

**8. TAXES AND ASSESSMENTS**

a. Tenant recognizes and understands that this lease may create a possessory interest subject to property taxation and assessment and utility taxation, and that the Tenant will be responsible for the payment of any property taxes and assessments, and utility taxes levied on such interest.

b. Tenant shall pay all taxes on its personal property, fixtures and on its leasehold or possessory interest in the leased Premises and any other assessment that may be lawfully levied.

**9. UTILITIES**

Tenant agrees to pay any and all charges for electricity, gas, heat, cooling, telephone, internet services, sewer use, water, refuse collection and other utilities used in the Premises. Tenant is responsible for directly paying any and all charges associated with the dedicated Pacific Gas and Electric meter for the Premises.

**10. MAINTENANCE AND REPAIR**

a. Tenant is responsible for ensuring that the Premise meet all applicable City of Berkeley codes prior to occupancy under this lease.

b. Tenant shall keep and maintain in good order, condition and repair (except for reasonable wear and tear) all portions of the Premises including without limitation, all fixtures, interior walls, floors, ceilings, plumbing, glass, roof, heating, ventilating and sewage facilities serving the leased Premises, landscaping, and the sidewalk adjacent to the Premises.

c. Tenant shall make all required repairs upon demand by Landlord. Failure to make such repairs within thirty (30) days of the Landlord's demand shall constitute a default by Tenant.

**11. IMPROVEMENTS**

a. Tenant shall not erect additions or structures nor make nor cause to be made any alterations, improvements, additions, or fixtures that affect the exterior or interior of the Premises, nor shall Tenant mark, paint, drill or in any way deface any floors, walls, ceilings, or partitions of the Premises without 1) first providing thirty (30) days' written notice to Landlord and 2) obtaining City of Berkeley Building Permits as required by the Berkeley Municipal Code

as it exists at the time of such improvements. Failure to notify the Landlord or failure to obtain Building Permits or meet other regulatory requirements shall constitute a default by Tenant.

b. Tenant shall require all contractors to provide a labor and materials bond for the full amount of the contract. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant, in, at, upon or about the leased Premises and which may be secured by any mechanic's, materialmen's or other lien against the Premises or Landlord's interest therein.

c. All alterations, improvements or additions that are now or in the future attached permanently to the Premises shall be the property of Landlord and remain with the Premises at the termination of this lease, except that Landlord can elect within thirty (30) days of the termination of the lease to require Tenant, at its cost, to remove any alterations, improvements or additions Tenant has made to the Premises.

## **12. INDEMNIFICATION**

Tenant shall indemnify, defend and hold Landlord, its officers, agents, volunteers and employees harmless from: 1) all claims of liability for any damage to property or injury or death to any person occurring in, on, or about the Premises; 2) all claims of liability arising out of Tenant's failure to perform any provision of this lease, or any act or omission by Tenant, its agents, contractors, invitees or employees; and 3) all damages, liability, fines, penalties, and any other consequences arising from any noncompliance or violation of any laws, ordinances, codes, or regulations, including but not limited to the Occupational Safety and Health Act of 1979 and the Americans with Disabilities Act of 1990. Except, however, that Landlord shall hold Tenant harmless from all claims of liability for damage resulting from the acts or omissions of Landlord or its authorized representatives.

## **13. INSURANCE**

a. Tenant at its cost shall maintain public liability insurance with a single combined liability limit of \$2,000,000 and property insurance against all risks of loss to any Tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision insuring against all liability of Tenant and its authorized representatives arising out of and in connection with Tenant's use or occupancy of the Premises. All such insurance shall insure performance by Tenant of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

b. If the insurance referred to above is written on a Claims Made Form, then following termination of this lease, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

c. Tenant at its cost shall maintain on all its personal property, Tenant's improvements, and alterations, in on, or about the Premises, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements. This coverage shall be considered primary, and the proceeds from any such policy shall be used by Tenant for the replacement of personal property or the restoration of Tenant's improvements or alterations.

d. If Tenant employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the Landlord. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the Landlord; provide for a waiver of any right of subrogation against Landlord to the extent permitted by law; and be approved as to form and sufficiency by the Landlord's Risk Manager.

e. Tenant shall forward all insurance documents to: Real Property Administrator, Department of Public Works, Property Management 1947 Center Street, Fifth Floor, Suite 521 Berkeley, California, 94704.

#### **14. COMPLIANCE WITH LAW AND SAFETY**

a. Tenant shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the Tenant's activities, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations.

b. If a death, serious personal injury, or substantial property damage occurs in, on, or about the Premises, Tenant shall immediately notify the Landlord's Risk Management Office by telephone. If any accident occurs on the Premises, Tenant shall promptly submit a written report to Landlord, in such form as Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s), (2) name and address of Tenant's contractor, if any, (3) name and address of Tenant's liability insurance carrier, and (4) a detailed description of the accident.

c. Tenant shall report all existing hazardous materials handled at the site and any hazardous wastes generated at the site to the Toxics Management Division (TMD) on an annual basis and abide by all requirements of the TMD and other state and local environmental agencies. Upon release of hazardous materials or hazardous waste at the property or adjacent to the property, Tenant shall immediately notify the City of Berkeley Toxics Management Division.

If the release is significant, the Tenant must report it to the 911 and the Office of Emergency Services.

**15. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES**

a. If Tenant provides any aid, service or benefit to others on the City's behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

b. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

**16. REQUIRED ACCESSIBILITY DISCLOSURE**

a. Landlord hereby advises Tenant that the Premises and Improvements have not undergone an inspection by a certified access specialist, and except to the extent expressly set forth in this Ground Lease, Landlord shall have no liability or responsibility to make any repairs or modifications to the Premises or the Project in order to comply with accessibility standards. The following disclosure is hereby made pursuant to applicable California law:

b. "A Certified Access Specialist (CASp) can inspect the subject Premises and determine whether the subject Premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject Premises, the commercial property owner or Landlord may not prohibit the lessee or Tenant from obtaining a CASp inspection of the subject Premises for the occupancy or potential occupancy of the lessee or Tenant, if requested by the lessee or Tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the Premises." [Cal. Civ. Code Section 1938(e)]. Any CASp inspection shall be conducted in compliance with reasonable rules in effect at the Premises with regard to such inspections and shall be subject to Landlord's prior written consent.



**17. CITY NON-DISCRIMINATION ORDINANCE**

Tenant agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this lease, the Tenant agrees as follows:

a. The Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

b. The Tenant shall permit the Landlord access to records of employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

**18. NUCLEAR FREE BERKELEY**

Tenant agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

**19. OPPRESSIVE STATES**

a. In accordance with Resolution No. 59,853-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

b. For purposes of this lease, the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang shall be deemed oppressive states.

c. Tenant's failure to comply with this section shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 29. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-

responsible bidder for five (5) years from the date this lease is terminated.

**20. BERKELEY LIVING WAGE ORDINANCE**

a. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time, full-time or stipend employees, and generates \$350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

b. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance (LWO). If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased Premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in sections 28 and 29 herein.

c. If Tenant is subject to the LWO, Tenant shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject Premises. Sub-Tenants shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the leased property.

d. If Tenant fails to comply with the requirements of this the LWO and this lease, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 29.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

**21. BERKELEY EQUAL BENEFITS ORDINANCE**

a. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

b. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered a default, subject to the provisions of Sections 28 and 29 of this lease.

c. If Tenant fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 29.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

**22. SANCTUARY CITY CONTRACTING ORDINANCE**

Tenant hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Tenant agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. "Data Broker" means either of the following: (1) The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies; (2) the aggregation of data that was collected for another purpose from that for which it is ultimately used.

- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include: (1) The City's computer-network health and performance tools; (2) Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

**23. CONFLICT OF INTEREST PROHIBITED**

a. In accordance with California Government Code Section 1090, Berkeley City Charter Section 36 and B.M.C. Chapter 3.64, neither Tenant nor any employee, officer, director, partner or member of Tenant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a committee or commission member of Landlord, who has directly or indirectly influenced the making of this Lease.

b. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 et seq.,) no person who is a director, officer, partner, trustee, employee or consultant of Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonable foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

c. Interpretation of this paragraph shall be governed by the definitions and provisions use in the Political Reform Act, Government Code section 87100 et seq., its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, as amended from time to time.

**24. PESTICIDES**

All use of pesticides on the Premises shall be in compliance with the City of Berkeley's Pesticide Use Policy as it exists at the time of such use.

**25. SIGNS**

Tenant shall not install or letter any signs on the Premises without the prior written consent of Landlord. All signs on the Premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04.

**26. DAMAGE OR DESTRUCTION**

If the Premises are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, Landlord may elect to terminate this lease or continue this lease in effect by giving notice to Tenant within thirty (30) days of the date of destruction. If Landlord elects to continue this lease in full force and effect, then Landlord shall restore the Premises and the rent shall be abated, from the date of destruction until the date restoration is completed, in an amount proportionate to the extent to which the destruction interferes with Tenant's use of the Premises. If Landlord fails to give notice of its decision to terminate or continue this lease within the period stated, Tenant may elect to terminate this lease. Tenant waives the provisions of Civil Code sections 1932(2) and 1933(4) with respect to any destruction of the Premises.

## **27. EMINENT DOMAIN**

If the whole or any portion of the Premises is taken by any paramount public authority under the power of eminent domain, then the rights and obligations of the parties shall be determined as follows: If the Premises are totally taken by condemnation, this lease shall terminate on the date of taking. If any portion of the Premises is taken by condemnation, Tenant shall have the right to either terminate this lease or to continue in possession of the remainder of the Premises under the terms of this lease. Such right to terminate must be exercised by notifying Landlord within thirty (30) days after possession of the part taken by eminent domain. If Tenant does not terminate this lease within the thirty (30) day period, this lease shall remain in full force and effect except that the fixed rent shall be reduced in the same proportion that the square footage of the Premises taken bears to the square footage of the Premises immediately before the taking. All damages awarded for such taking shall belong to and be the property of Landlord; provided, however, that Landlord shall not be entitled to any portion of the award made for loss of business and of business installations or improvements made by Tenant in accordance with this lease.

## **28. DEFAULT BY TENANT**

a. The occurrence of any of the following shall constitute a default by Tenant:

1. Failure to pay rent when due, if the failure continues for 10 days after notice has been given to Tenant.
2. Abandonment and vacation of the Premises (failure to occupy and operate the Premises for 14 consecutive days shall be deemed an abandonment and vacation).
3. Failure to perform any other provision of this lease if the failure to perform is not cured within 30 days after notice has been given to Tenant. If the default cannot reasonably be cured within 30 days, Tenant shall not be in default of this lease if Tenant commences to cure the default within the 30-day period and diligently and in good faith continues to cure the default.

b. Notices given under this paragraph shall specify the alleged default and the applicable lease provisions, and shall demand that Tenant perform the provisions of this lease or pay the rent that is in arrears, as the case may be, within the applicable period of time, or quit the Premises. No such notice shall be deemed a forfeiture or a termination of this lease unless Landlord so elects in the notice. The purpose of the notice requirements set forth in this section is to extend the notice requirements of the unlawful detainer statutes of California.

## **29. LANDLORD'S REMEDIES**

Landlord shall have the following remedies if Tenant commits a default. These remedies are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

a. Tenant's Right to Possession Not Terminated. Landlord can continue this lease in full force and effect, and the lease will continue in effect as long as Landlord does not terminate Tenant's right to possession, and Landlord shall have the right to collect rent when due. During the period Tenant is in default, Landlord can enter the Premises and relet them, or any part of them, to third parties for Tenant's account. Tenant shall be liable immediately to Landlord for all costs Landlord incurs in reletting the Premises. Reletting can be for a period shorter or longer than the remaining term of this lease. Tenant shall pay to Landlord the rent due under this lease on the dates the rent is due, less the rent Landlord receives from any reletting. No act by Landlord allowed by this paragraph shall terminate this lease unless Landlord notifies Tenant that Landlord elects to terminate this lease. After Tenant's default and for as long as Landlord does not terminate Tenant's right to possession of the Premises, Tenant shall have the right to assign or sublet its interest in this lease if Tenant obtains Landlord's consent, but Tenant shall not be released from liability.

If Landlord elects to relet the Premises as provided in this paragraph, rent that Landlord receives from reletting shall be applied to the payment of: first, any indebtedness from Tenant to Landlord other than rent due from Tenant; second, all costs, including for maintenance, incurred by Landlord in reletting; third, rent due and unpaid under this lease. After deducting the payments referred to in this paragraph, any sum remaining from the rent Landlord receives from reletting shall be held by Landlord and applied in payment of future rent as rent becomes due under this lease. In no event shall Tenant be entitled to any excess rent received by Landlord. If, on the date rent is due under this lease, the rent received from the reletting is less than the rent due on that date, Tenant shall pay to Landlord, in addition to the remaining rent due, all costs, including for maintenance, Landlord incurred in reletting that remain after applying the rent received from the reletting as provided in this paragraph.

b. Termination of Tenant's Right to Possession. Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving notice to Tenant shall terminate this lease. Acts of maintenance, efforts to relet the Premises, or the

appointment of a receiver on Landlord's initiative to protect Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant:

i. The worth, at the time of award, of the unpaid rent that had been earned at the time of termination of this lease;

ii. The worth, at the time of award, of the amount by which the unpaid rent that would have been earned after the date of termination of this lease until the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided;

iii. The worth, at the time of award, of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided; and

iv. Any other amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

"The worth, at the time of award," as used in i and ii of this section, is to be computed by allowing interest at the maximum rate an individual is permitted by law to charge. "The worth, at the time of award," as referred to in iii of this section, is to be computed by discounting the amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award, plus 1%.

c. Appointment of Receiver. If Tenant is in default of this lease Landlord shall have the right to have a receiver appointed to collect rent and conduct Tenant's business. Neither the filing of a petition for the appointment of a receiver nor the appointment itself shall constitute an election by Landlord to terminate this lease.

d. Landlord's Right to Cure. Landlord, at any time after Tenant commits a default, can cure the default at Tenant's cost. If Landlord at any time, by reason of Tenant's default, pays any sum or does any act that requires the payment of any sum, the sum paid by Landlord shall be due immediately from Tenant to Landlord at the time the sum is paid, and if paid at a later date shall bear interest at the maximum rate an individual is permitted by law to charge from the date the sum is paid by Landlord until Landlord is reimbursed by Tenant. The sum, together with interest on it, shall be additional rent.

### **30. ASSIGNMENT AND SUBLETTING**

Tenant shall not voluntarily assign or encumber its interest in this lease or in the Premises, or sublease all or any part of the Premises, or allow any other person or entity (except Tenant's authorized representative) to occupy or use all or any part of the Premises, without first

obtaining Landlord's consent. Any assignments, encumbrance, or sublease without Landlord's consent shall be voidable and, at Landlord's election, shall constitute a default. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

**31. ENTRY**

Landlord and its authorized representatives shall have the right to enter the Premises at all reasonable times for any of the following purposes: to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under the lease; to do any acts that may be necessary to protect Landlord's interest in the Premises; or to perform Landlord's duties under this lease. Landlord shall not be liable in any manner for any inconvenience, disturbance, loss of business, nuisance, or other damage arising out of Landlord's entry on the Premises as provided in this section, except damage resulting from the acts or omissions of Landlord or its authorized representatives.

**32. NOTICES**

A written notice is deemed served when a party sends the notice in an envelope addressed to the other party to this lease and deposits it with the U.S. Postal Service, registered mail, postage prepaid. For purposes of this lease, notices shall be addressed as follows, as appropriate:

To the Landlord:      Real Property  
                                 Department of Public Works  
                                 1947 Center Street, Fifth Floor, Suite 521  
                                 Berkeley, CA 94704

Additionally, please email a PDF of the document to  
[real\\_property@berkeleyca.gov](mailto:real_property@berkeleyca.gov)

To the Tenant:        *Prior to Lease Approval:*  
                                 We Wield The Hammer  
                                 PO BOX 16088  
                                 Oakland, CA 94610

*After Lease Approval:*  
                                 We Wield The Hammer  
                                 2440 Durant Avenue  
                                 Berkeley, CA 94704

**33. WAIVER**



No delay or omission in the exercise of any right or remedy of Landlord on any default by Tenant shall impair such a right or remedy or be construed as a waiver. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular rent payment involved. Any waiver by Landlord of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of the lease.

No act or conduct of Landlord, including, without limitation, the acceptance of the keys to the Premises, shall constitute an acceptance of the surrender of the Premises by Tenant before the expiration of the term. Only a notice from Landlord to Tenant shall constitute acceptance of the surrender of the Premises and accomplish a termination of the lease.

Landlord's consent to or approval of any act by Tenant requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent to or approval of any subsequent act by Tenant.

**34. EXCUSABLE DELAYS**

If the performance of any act required of Landlord or Tenant is prevented or delayed by reason of strikes, lockouts, labor disputes, act of God, acts of the public enemy, fire, floods, epidemics, freight embargoes or other cause beyond the control of the party required to perform an act, the performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for thirty (30) days.

**35. OPTION TO RENEW**

a. Option Period. So long as Tenant is not in default under this lease, either at the time of exercise or at the time the extended term commences, Tenant will have the option to extend the initial term of this lease for an additional period of five (5) years (the "option period") on the same terms, covenants, and conditions of this lease, except that the initial monthly rent and yearly rent increases during the option period will be determined as described below. In order to exercise this option, Tenant must give written notice of its election to do so to Landlord at least 180 days, but not more than one year, prior to the expiration date of the initial lease term. Tenant shall have no other right to extend the term beyond the option period.

b. Option Period Monthly Rent. For the purposes of this section, the "then-fair market rental value of the Premises" means what a Landlord under no compulsion to lease the Premises and a Tenant under no compulsion to lease the Premises would determine as rents (including initial monthly rent and rental increases) for the option period, as of its commencement, taking into consideration the uses permitted under this lease, the quality, size, design and location of the Premises, and the rent for comparable buildings located in the vicinity of the Premises. Except, however, that the initial monthly rent and yearly rent increases for the

option period shall not be less than that provided during the initial lease term.

**36. HOLDING OVER**

If Tenant remains in possession of the Premises with Landlord's consent after the expiration of the term of this lease without having exercised any option to renew this lease, or after the termination of any such option period, such possession by Tenant shall be construed to be a tenancy from month-to-month, terminable on thirty (30) days' notice given at any time by either party. All provisions of this lease, except those pertaining to term, shall apply to the month-to-month tenancy.

**37. SURRENDER OF PREMISES, REMOVAL OF PERSONAL PROPERTY**

At the termination of this lease, Tenant shall: 1) give up and surrender the Premises, in as good state and condition as reasonable use and wear and tear thereof will permit, damage by fire and the elements excepted; and 2) remove all property which is not a fixture or permanent attachment to the Premises and which is owned and was installed by Tenant during the term of this lease.

**38. TERMS BINDING ON SUCCESSORS**

All the terms, covenants and conditions of this lease shall inure to the benefit of and be binding upon the successors and assigns of the parties to this lease. The provisions of this section shall not be deemed as a waiver of any of the conditions against assignment set forth above.

**39. TIME OF ESSENCE**

Time shall be of the essence of each provision of this lease.

**40. COVENANTS AND CONDITIONS**

Each term and each provision of this lease performable by Tenant shall be construed to be both a covenant and condition.

**41. GOVERNING LAW**

The laws of the State of California shall govern this lease.

**42. ENTIRE AGREEMENT, AMENDMENTS**

This lease and all exhibits attached and any documents expressly incorporated by reference contain the entire agreement between the parties regarding the lease of the Premises

described herein and shall supersede any and all prior agreements, oral or written, between the parties regarding the lease of these Premises. This lease cannot be altered or otherwise modified except by a written amendment.

**43. CONSENT OF PARTIES**

Whenever consent or approval of either party is required, that party shall not unreasonably withhold such consent or approval.

**44. BUSINESS LICENSE**

Tenant certifies that it has obtained or applied for a City of Berkeley business license number as required by Berkeley Municipal Code Chapter 9.04; or Tenant claims that it is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt.

/// ///

**IN WITNESS WHEREOF**, Landlord and Tenant have executed this lease as of the date written on the first paragraph of this lease.

LANDLORD  
CITY OF BERKELEY

By:

\_\_\_\_\_  
City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
09/2022

Registered on behalf  
of the City Auditor by:

\_\_\_\_\_  
Finance Department

Attest by:

\_\_\_\_\_  
City Clerk

TENANT

By:

\_\_\_\_\_

Printed Name:

\_\_\_\_\_  
Karen Smith

\_\_\_\_\_  
Executive Director, We Wield

Title:

\_\_\_\_\_  
The Hammer

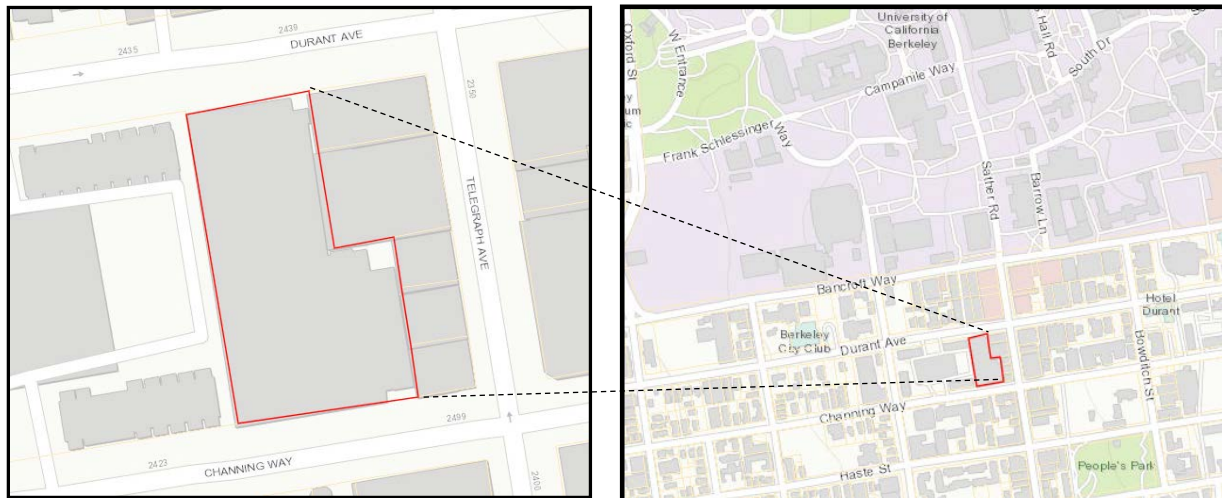
Berkeley Business

License No.:

\_\_\_\_\_

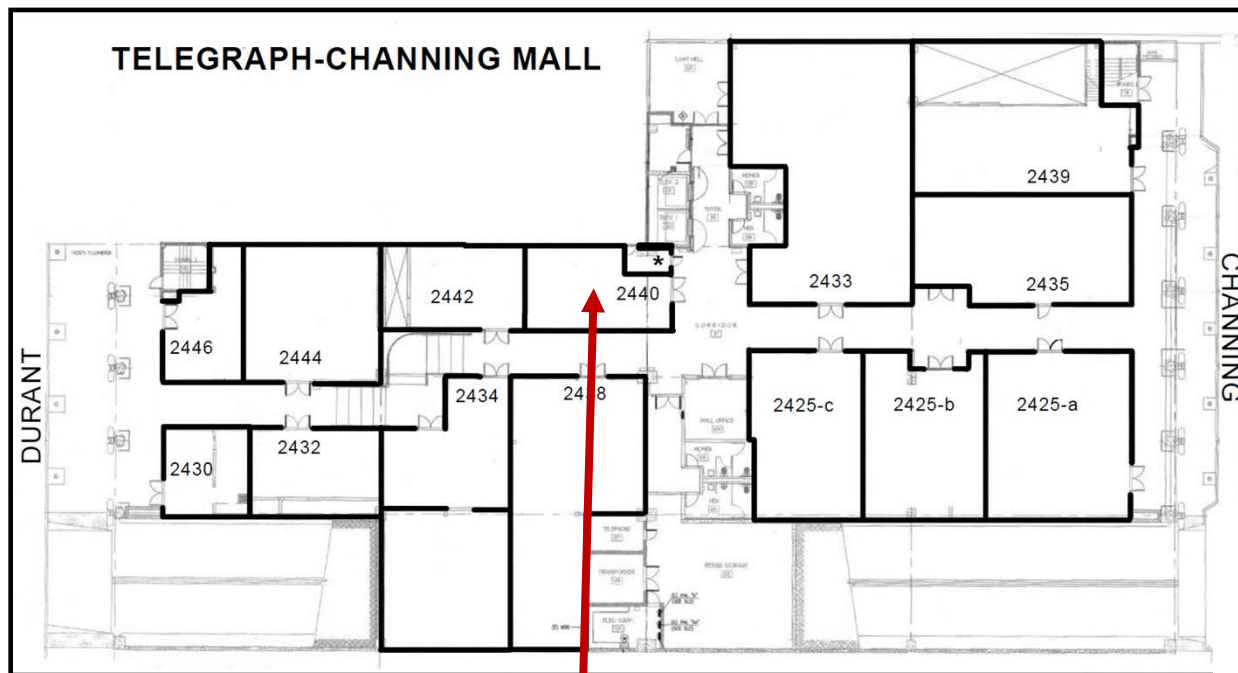
**Exhibit A**

**PREMISES**



**Physical (Legal) Address: 2431 Channing Way, Berkeley, CA 94704**

**Garage (and Commonly Used) Address: 2450 Durant Avenue, Berkeley, CA 94704**



**We Wield The Hammer**  
2440 Durant Avenue

**Exhibit B**

**AGREEMENT SPECIFYING TERM OF LEASE**

Attached to and made part of the Lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF BERKELEY, a municipal corporation, as Landlord, and WE WIELD THE HAMMER, A 501c3 NONPROFIT ORGANIZATION as Tenant ("**Tenant**").

Landlord and Tenant do hereby confirm and acknowledge the following dates:

- a. Lease Commencement Date is \_\_\_\_\_ [DATE MUST BE AT LEAST 30 DAYS AFTER APPROVAL OF ORDINANCE]
- b. Rent Commencement Date is \_\_\_\_\_ [DATE]
- c. Expiration Date of the initial term of the Lease is \_\_\_\_\_ [DATE], subject to extension as provided in the Lease.

This Agreement shall be binding on the parties hereto, their successor and assigns and all subtenants of Tenant and any other party claiming under or through Tenant. The Lease is in full force and effect as of the date hereof in accordance with its terms, and Tenant is in possession of the Premises. Landlord has fulfilled all of its obligations under the Lease that were required to be fulfilled by Landlord on or prior to the Rent Commencement Date and Tenant has no claim or right of set-off against any Rent (as defined in the Lease) under the Lease.

This Agreement was entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST/WITNESS:**

**LANDLORD:**

CITY OF BERKELEY, a municipal corporation

By: \_\_\_\_\_

Its: City Manager

By: \_\_\_\_\_

Its: City Attorney

By: \_\_\_\_\_

Its: City Auditor

**ATTEST/WITNESS:**

**TENANT:**

WE WIELD THE HAMMER  
a 501c3 NON-PROFIT ORGANIZATION

By: \_\_\_\_\_

KAREN SMITH

**Exhibit C**

**PAYMENTS**

| <b>RENT PAYMENT SCHEDULE: We Weld the Hammer 2440 Durant@TCM</b> |             |                     |                          |                     |                                |                      |
|------------------------------------------------------------------|-------------|---------------------|--------------------------|---------------------|--------------------------------|----------------------|
|                                                                  | <b>YEAR</b> | <b>1</b>            | <b>2</b>                 | <b>3</b>            | <b>4</b>                       | <b>5</b>             |
| <b>MARCH</b>                                                     | <b>1</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>APRIL</b>                                                     | <b>2</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>MAY</b>                                                       | <b>3</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JUNE</b>                                                      | <b>4</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JULY</b>                                                      | <b>5</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>AUGUST</b>                                                    | <b>6</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>SEPTEMBER</b>                                                 | <b>7</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>OCTOBER</b>                                                   | <b>8</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>NOVEMBER</b>                                                  | <b>9</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>DECEMBER</b>                                                  | <b>10</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JANUARY</b>                                                   | <b>11</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>FEBRUARY</b>                                                  | <b>12</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>ANNUAL TOTAL:</b>                                             |             | <b>\$ 13,020.00</b> | <b>\$ 13,410.60</b>      | <b>\$ 13,812.92</b> | <b>\$ 14,227.31</b>            | <b>\$ 14,654.12</b>  |
|                                                                  |             |                     |                          |                     | <b>6 MONTH RENT ABATEMENT:</b> | <b>\$ (6,510.00)</b> |
|                                                                  |             |                     |                          |                     | <b>INITIAL TERM TOTAL:</b>     | <b>\$ 62,614.95</b>  |
| <b>PREMISES AREA (SQFT):</b>                                     |             |                     | 620                      |                     |                                |                      |
| <b>MONTHLY RATE PER SQFT:</b>                                    |             |                     | \$ 1.75                  |                     |                                |                      |
| <b>INITIAL MONTHLY RENT:</b>                                     |             |                     | \$ 1,085.00              |                     |                                |                      |
| <b>ANNUAL INCREASE:</b>                                          |             |                     | 3.00%                    |                     |                                |                      |
| <b>LEASE START DATE:</b>                                         |             |                     | <b>March 1, 2024</b>     |                     |                                |                      |
| <b>INITIAL TERM:</b>                                             |             |                     | 60 MONTHS                |                     |                                |                      |
| <b>INITIAL TERM TERMINATION DATE:</b>                            |             |                     | <b>February 28, 2029</b> |                     |                                |                      |
| <b>NOTIFY LANDLORD FOR OPTION BY:</b>                            |             |                     | <b>September 1, 2028</b> |                     |                                |                      |
| <b>OPTION START DATE:</b>                                        |             |                     | December 1, 2028         |                     |                                |                      |
| <b>OPTION TERM:</b>                                              |             |                     | 60 MONTHS                |                     |                                |                      |
| <b>OPTION TERMINATION DATE:</b>                                  |             |                     | November 30, 2033        |                     |                                |                      |

**Exhibit D****RULES, RESTRICTIONS AND PROHIBITED USES**

Tenant shall not use or permit the use of the Premises for any other business or purpose, except as set forth in this Lease and in strict accordance with the Rules and Regulations. No part of the Premises shall be used in a way that endangers the health or safety of any user of the Premises. **THESE PROHIBITIONS AND RESTRICTIONS SHALL NOT BE DEEMED TO APPLY TO LANDLORD, BUT ONLY TO TENANT UNDER THIS LEASE.** Landlord shall have the right, in Landlord's sole and absolute discretion, to waive all or any of the prohibitions set forth herein upon such matters, terms and conditions as Landlord, in its sole discretion, may determine.

**RULES AND REGULATIONS FOR TELEGRAPH-CHANNING MALL**

All Tenants of Telegraph-Channing Mall ("TCM") shall comply with the following Rules and Regulations. Landlord shall not be responsible to Tenant for the failure of any other tenant or occupant of the building to comply with any of these Rules and Regulations:

1. Smoking is prohibited at TCM and Garage in accordance with Berkeley Municipal Code ("BMC") 12.70.030, *Locations Where Smoking Is Prohibited*. Tenant, Tenant's employees/volunteers, invitees, clients, guests, and other occupants shall abide by this Code. "No Smoking" signs are posted by Landlord. Tenant shall abide by and support the enforcement of this regulation prohibiting smoking in all public places, including but not limited to restaurants, public restrooms, business establishments, and parking garages.
2. No pets are allowed on the premises, Building, or Property unless such animal is designated as a "service animal" and licensed with the City of Berkeley. Every dog over the age of six months must be licensed and must wear the license (BMC 10.04.030). Special tags for service animals may be obtained from Alameda County Animal Control at (925) 803-7046.
3. Tenant restrooms are exclusively for the use of Tenants, their employees/volunteers, and customers. Public restrooms, located directly across from the elevators, are available for use by all other visitors, parking garage customers, and the general public.
4. No sign, placard, picture, name, advertisement, or notice visible from the exterior of the premises will be inscribed, painted, affixed, or otherwise displayed by Tenant on any part of the mall or parking structure without the prior written consent of Landlord. The Landlord will adopt and furnish to the tenant general guidelines relating to signs inside TCM. The tenant agrees to comply with those guidelines. All approved signs or lettering on doors will be printed, painted, affixed, or inscribed at the expense of the tenant by a person approved in writing by the Landlord. Material visible outside TCM will not be permitted.
5. The Directory of TCM (if any) will be provided for the display of the name and location of Tenants, and Landlord reserves the right to exclude any other names from the directory. Any additional name that the tenant desires to place upon the directory must be first approved by



Landlord, and, if so approved, a charge will be made for the additional name or name change.

6. Tenant shall display the days and hours of operation for their business. The days and hours of operation posted must match those shown in their Lease and/or approved by the Landlord. Tenant shall notify the Landlord in writing stating the reason (vacation, holiday or other observances, etc.,) and the start and end date of any and all closures or deviations from the posted hours of operation exceeding two (2) calendar days.
7. Tenant shall assume all responsibility for protecting the premises from theft, robbery, pilferage, vandalism, damage, or waste, including keeping doors locked and keep other means of entry to the premises closed, and turning off all water faucets, water apparatus, and utilities when needed or necessary. Tenant shall be responsible for any waste in or damage to the premises or any injuries sustained by other Tenants or occupants of TCM or Landlord for Tenant's negligent or willful acts or omissions in protecting the premises as set forth herein.
8. Landlord may waive any one or more of these Rules and Regulations for the benefit of any particular Tenant or Tenants, but no waiver by Landlord shall be construed as a waiver of those Rules and Regulations in favor of any other Tenant or Tenants, nor prevent Landlord from enforcing any of those Rules and Regulations against any or all of the Tenants of TCM. Any waiver of these Rules and Regulations by the Landlord shall be done in writing.
9. Landlord reserves the right at any time to change or rescind any one or more of these Rules and Regulations or to make any additional reasonable Rules and Regulations that, in Landlord's judgment, may be necessary for:
  - A. The management, safety, care, and cleanliness of the Premises, Building, and Real Property;
  - B. The preservation of good order; and
  - C. The convenience of other occupants and Tenants in the Premises, Building, and Real Property.
10. No store merchandise and/or displays shall be placed in TCM's main corridor/paseo, arcade, or light well, nor block the path of travel within any part of TCM at any time. No events, classes, conferences, demonstrations, celebrations, or other gatherings shall occur in TCM's corridor, porticos, trash room, or light well.

The following are optional coversheets for Exhibits that may be included in a lease or license agreement:

**Exhibit E**

**TENANT IMPROVEMENTS**

**[THIS CAN BE A LIST OF IMPROVEMENTS REQUIRED IN THE LEASE THAT MUST BE COMPLETED BY THE TENANT AT THE TENANT'S EXPENSE.]**



Office of the Mayor

CONSENT CALENDAR  
January 30, 2024

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: City Council Committee and Regional Body Appointments

RECOMMENDATION

Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on January 31, 2025 or until new appointments are made.

BACKGROUND

There are a number of City Council appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions. Every two years after the General Municipal Election, the Mayor makes recommendations on new Council representatives to these committees.

The Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year.

Given the recent resignation of former City Councilmember Rigel Robinson, other changes to committee appointments need to be made. Some seats will be left vacant until the new District 7 Councilmember is seated after the special election.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects from taking this action

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

APPROVING APPOINTMENTS TO STANDING CITY COUNCIL POLICY COMMITTEES, PARTNERSHIP COMMITTEES, LIASIONS TO BOARDS AND COMMISSIONS AND REGIONAL BODIES

WHEREAS, the City Council has numerous appointments to various Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions, and makes new appointments every two years following the General Municipal Election; and

WHEREAS, the Berkeley City Council Rules of Procedure and Order also require the Mayor to recommend and the full Council approve appointments to Standing Council Policy Committees by January 31st of each year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it officially makes the following appointments for the period ending January 31, 2025 or until new appointments are approved:

**City Council Standing Policy Committees:**

Agenda & Rules Committee

Appoint Mayor Arreguín, Councilmember Hahn and Vice-Mayor Wengraf  
Appoint Councilmember Taplin as Alternate

Budget & Finance Committee

Appoint Mayor Arreguín, Councilmember Hahn and Councilmember Kesarwani  
Appoint Councilmember Harrison as Alternate

Facilities, Infrastructure, Transportation, Environment & Sustainability Committee

Appoint Councilmember Harrison, Councilmember Humbert and Councilmember Taplin  
Alternate Vacant

Public Safety Committee

Appoint Councilmember Bartlett and Councilmember Taplin  
Appoint Councilmember Kesarwani as Alternate

Land Use, Housing & Economic Development Committee

Appoint Councilmember Humbert, Councilmember Harrison, and Vice-Mayor Wengraf  
Alternate Vacant

Health, Life Enrichment, Equity & Community Committee

Appoint Councilmember Bartlett and Councilmember Kesarwani  
Appoint Councilmember Hahn as Alternate

**Partnership Committees:**

4x4 Joint Task Force Committee on Housing: Rent Board/City Council  
Appoint Mayor Arreguin, Councilmember Hahn, Councilmember Harrison

3x3 Committee of the Berkeley City Council and the Berkeley Housing Authority  
Appoint Mayor Arreguin, Councilmember Harrison and Councilmember Kesarwani

2x2 Committee of the City Council and the Board of Education  
Appoint Councilmember Hahn and Councilmember Taplin

**Regional Committees:**

Alameda County Transportation Commission  
Appoint Councilmember Taplin  
Appoint Councilmember Harrison as Alternate

Alameda County Waste Management Authority  
Appoint Vice-Mayor Wengraf  
Appoint Councilmember Hahn as Alternate

Delegate to Association of Bay Area Governments General Assembly  
Appoint Councilmember Hahn  
Appoint Councilmember Humbert as Alternate

Joint Powers Authority - East Bay Community Energy Authority  
Appoint Councilmember Bartlett  
Appoint Councilmember Taplin as Alternate

Joint Powers Agreement - East Bay Regional Sports Fields  
Appoint Councilmember Kesarwani

Joint Powers Authority - Lead Abatement  
Appoint Vice-Mayor Wengraf  
Appoint Councilmember Kesarwani as Alternate

League of California Cities - East Bay Division  
Appoint Councilmember Taplin  
Appoint Councilmember Humbert as Alternate

Oakland Airport Noise Forum  
Appoint Councilmember Humbert

East Bay Public Bank

Appoint Councilmember Harrison

**Council Liaisons to City Boards and Commissions:**

Board of Library Trustees

Appoint Councilmember Hahn

Community Health Commission

Appoint Councilmember Kesarwani

**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 JANUARY 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Sophie Hahn and Rigel Robinson (Co-Authors)  
 Subject: Support for ACA 4 Elections: Eligibility to Vote

**RECOMMENDATION**

Adopt a resolution in support of Assembly Constitutional Amendment 4 (Bryan), which would repeal a constitutional requirement disqualifying electors incarcerated for felony convictions, and send a copy of the resolution to Assemblymembers Isaac Bryan and Buffy Wicks, and State Senator Nancy Skinner.

**BACKGROUND**

Introduced by Assemblymember Bryan in 2023, ACA 4 would repeal a State constitutional requirement for the California Legislature to provide for the disqualification of electors while serving a State or federal prison term for the conviction of a felony.

This amendment to the California Constitution would preserve the right to vote for all people, including all those who are currently incarcerated. At least 95% of people currently incarcerated in State prison will eventually return home.<sup>1</sup> Data shows that people who vote while incarcerated and shortly thereafter are 50% less likely to be rearrested.<sup>2</sup>

The impacts of legal barriers to civic participation disproportionately affect Black, Latino, and Native American communities, who are denied the ability to influence governance and public policy, and stripped of political power. Additionally, veterans, many of whom return to civilian life with visible and invisible trauma face a greater likelihood of incarceration. California currently has more than 7,000 veterans who, despite having served our country, are denied their voting rights solely because they are incarcerated.<sup>3</sup>

Several U.S. states and territories already allow universal participation in the democratic process, and democracies around the world have also normalized this standard. Maine, Vermont, Washington D.C., and Puerto Rico all allow people in prison to vote. Nearly all Western European countries allow incarcerated people to vote, as does a diverse group

<sup>1</sup> Hughes, Timothy & Wilson, Doris James, Reentry Trends in the United States, U.S. Department of Justice, <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>

<sup>2</sup> Uggen, Christopher & Manza, Jeff, Voting and Subsequent Crime and Arrest: Evidence from a Community Sample, 36 Colum. Hum. Rts. L. Rev. 193 (2004-2005), [Uggen Manza 04 CHRLR2.pdf \(umn.edu\)](https://www.umn.edu/uggen-manza-04-chrlr2.pdf)

<sup>3</sup> "5-19-22 - Assembly Floor Analysis, ACA 4 (Bryan)" [https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202320240ACA4#](https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240ACA4#)

of others around the world including Israel, Canada, Zimbabwe, Japan, Kenya, and Peru. ACA 4 will give voters in California the opportunity to decide if a thriving democracy includes everyone or if historic suppression and disenfranchisement measures should remain a feature of our civil society.<sup>4</sup>

Here in California, we already facilitate elections in some carceral settings. People serving a misdemeanor sentence, for example, have the right to vote and some jails already serve as polling places – including in Los Angeles County.<sup>5</sup> California should follow the lead of Maine, Vermont, Washington, D.C. and Puerto Rico, and restore voting rights to all serving a prison sentence in California.

The attached resolution declares the City of Berkeley's endorsement of ACA 4 and the subsequent ballot measure. Copies of the resolution will be sent to Assemblymembers Isaac Bryan and Buffy Wicks, and State Senator Nancy Skinner.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

None.

#### CONTACT PERSON

Councilmember Sophie Hahn, 510-981-7150

Attachments:

1: Resolution

2: State of California Constitution Section to be amended by ACA 4

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<sup>4</sup> "5-19-22 - Assembly Floor Analysis, ACA 4 (Bryan)

[https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202320240ACA4#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240ACA4#)

<sup>5</sup> League of Women Voters Co-Sponsor Letter: ACA 4, [a0da977c-22c9-4567-ab75-472f79658152 \(windows.net\)](https://www.a0da977c-22c9-4567-ab75-472f79658152.windows.net)



RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF ASSEMBLY CONSTITUTIONAL AMENDMENT 4

WHEREAS, The California Constitution authorizes a person to vote if the person is a United States citizen, at least 18 years of age, and a resident of the State but this right does not extend to a person currently incarcerated and serving a State or federal prison term for a felony conviction; and

WHEREAS, For much of its history, California has taken steps to restrict voting rights on the basis of race and socioeconomic status, and refused to ratify the 14<sup>th</sup> and 15<sup>th</sup> Amendments until 1959 and 1962, respectively; and

WHEREAS, The prohibition of voting rights for incarcerated people disproportionately disenfranchises Black, Brown, poor and Indigenous people and veterans; and

WHEREAS, Black people make up 6.5 percent of California's population but account for 28 percent of the state's prison population, and 80 percent of California's prison population is made up of people of color; and

WHEREAS, California currently has nearly 7,000 veterans who are denied their voting rights because they are incarcerated; and

WHEREAS, Many other democracies such as Canada, Israel, France, Denmark, Japan, Germany, Czech Republic, Kenya, Netherlands, Poland, Peru, Romania, Sweden, and Zimbabwe allow incarcerated people the right to vote, and the United States trails on this front; and

WHEREAS, In the United States, Vermont, Maine, Washington D.C., and Puerto Rico have restored the right to vote for all people in prison; and

WHEREAS, In recent years, California has made significant and historic reforms that have expanded voting rights and voter access, with the goal of achieving a more representative democracy; and

WHEREAS, According to the Brennan Center for Justice, voting helps support reentry by giving people a voice and civic engagement and has been shown to reduce recidivism; and

WHEREAS, In a nationwide poll by Stand Up America, State Innovation Exchange, the Sentencing Project, and Common Cause, almost 60 percent of participants said that voting rights should be guaranteed for all people – including those completing terms in prison; and

WHEREAS, ACA 4, introduced by Assemblymember Isaac Bryan and co-authored by Assemblymembers Bonta, Jackson, Kalra, Weber, Wilson, Haney, McKinnor, Jones-Sawyer, Low, Santiago, and Lee, and Senators Becker, Bradford, Cortese, and Smallwood-Cuevas, will give allow California voters to decide whether to restore voting rights to people completing prison sentences for felony convictions; and

WHEREAS, If passed, ACA 4 will remove the current State constitution prohibition against voting for people in prison for felony convictions and the companion bill, AB 1595, would remove mention of this prohibition throughout the California Code;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council **declares its** support for ACA 4 and AB 1595, and urges their passage by the California State Legislature and by California voters; and,

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Assemblymembers Isaac Bryan, Buffy Wicks, and Senator Nancy Skinner.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2023–24 Regular Session commencing on the fifth day of December 2022, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

**First**— That Section 2 of Article II thereof is amended to read:

**SEC. 2.** ~~(a)~~A United States citizen *who is at least* 18 years of age and *a* resident in this State may vote.

~~(b)An elector disqualified from voting while serving a state or federal prison term, as described in Section 4, shall have their right to vote restored upon the completion of their prison term.~~

**Second**— That Section 4 of Article II thereof is amended to read:

**SEC. 4.** The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally ~~incompetent or serving a state or federal prison term for the conviction of a felony.~~ *incompetent.*





Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Susan Wengraf (Author), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)

Subject: Request by Resolution that PG&E Underground Utilities in Berkeley's VHFHSZ

RECOMMENDATION

Adopt a Resolution urging PG&E to underground utility wires in Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ) to mitigate wildfire risk and limit evacuation and ingress obstruction. Send the Resolution to PG&E CEO Patti Poppe, the California Public Utilities Commission (CPUC), the Office of Energy Infrastructure Safety, State Senator Nancy Skinner, Assemblymember Buffy Wicks, Governor Gavin Newsom and Senator Mike McGuire, author of SB 884. Request the City Manager issue a press release about this Resolution as a critical Public Safety matter.

FINANCIAL IMPLICATIONS

No financial implications to send the resolution.

CURRENT SITUATION AND ITS EFFECTS

Utility-caused wildfires have become California's tragic reality. PG&E's CEO, Patti Poppe states that undergrounding reduces ignitions by 99%, making it the most effective way to reduce wildfire risk. As part of their commitment to improve wildfire safety, PG&E has started to underground electric lines as part of their 10,000 miles Electric Infrastructure Safety Initiative.

SB 884 (McGuire), which became law in 2023, expedites the undergrounding of utility lines and allows use of federal infrastructure funds.<sup>1</sup>

Undergrounding utility wires to mitigate wildfire risk from powerline and transmitter malfunctions and to limit evacuation and ingress obstruction, advances Berkeley's Strategic Plan Goal to create a resilient, safe, connected, and prepared city.

This Resolution requests PG&E include the City of Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ) in their *10-year Distribution Infrastructure Undergrounding*

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB884](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB884)

*Plan* to be submitted to California's Office of Energy Infrastructure Safety for review and approval.

Panoramic Hill is in CAL FIRE's Very High Fire Hazard Severity Zone. The Berkeley Fire Department has designated Panoramic Hill with the highest severity level, Fire Zone 3, in the City of Berkeley. The Panoramic Hill residential neighborhood, which sits within both Berkeley and Oakland, is surrounded on three sides by wildlands. The neighborhood has only one road for both egress and ingress, which is a narrow, substandard roadway that cannot be widened.

CAL FIRE also includes the North East Berkeley Hills in their Very High Fire Hazard Severity Zone designation. The Berkeley Fire Department labels this area Fire Zone 2 and has suggested that due to extreme risk, all residents in Fire Zones 2 and 3 evacuate the area when *Extreme Fire Weather* has been predicted. The streets in Fire Zones 2 & 3 are so narrow and winding and the hills so densely inhabited that it would be unlikely for everyone to get out safely in the event of a wildfire. A 2019 AP News Analysis identified the Berkeley Hills Zip Code 94708 as "being roughly within the worst 1% in the state when it comes to population-to-evacuation-route ratios." Just 31 other Zip Codes in the entire state of California share that designation.

#### BACKGROUND

In July 2021 PG&E committed to undergrounding 10,000 miles of power lines, over multiple years, in the Highest Fire Threat Districts to protect communities from wildfire threats. City Council approved a Resolution on November 9<sup>th</sup>, 2021 urging PG&E CEO Patti Poppe and her Board to commit a tiny part of their 10,000 miles of undergrounding to Berkeley's evacuation routes and previously formed Undergrounding Districts. The City did not receive a reply.

SB-884 Electricity: expedited utility distribution infrastructure undergrounding program (McGuire) passed on the Assembly Floor with zero "no" votes on August 30, 2022 and was signed by the Governor on September 29, 2022. On Jan 1<sup>st</sup> 2023, SB-884 became law, expediting PG&E's work to underground 10,000 miles of the highest fire risk electric lines and allowing use of federal infrastructure dollars for it.

Berkeley has a history of catastrophic wildfire, including the 1923 wildfire that swept through north Berkeley destroying approximately 600 homes and structures, the 1980 fire in Wildcat Canyon that destroyed five homes and the 1991 fire that consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes.

Neighboring communities share our concern that overhead electrical equipment will ignite wildfire in their communities. The City of Oakland's City Council unanimously passed a resolution on July 18, 2023 urging PG&E to underground utilities in their Very High Fire Severity Zone.

Request by Resolution that PG&E Underground Utilities in Berkeley's VHFHSZ CONSENT CALENDAR  
January 30, 2024

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

California wildfires emit as much carbon as almost 2 million cars every year.  
Undergrounding reduces wildfire risk.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

- 1: Resolution
- 2: AP News Study
- 3: July 2021 letter to PG&E CEO Patti Poppe
- 4: CAL FIRE VHFHSZ Designation in Berkeley Map

RESOLUTION NO. ##,###-N.S.

URGING PG&E TO UNDERGROUND BERKELEY'S VHFHSZ

WHEREAS, Pacific Gas and Electric (PG&E) states that undergrounding reduces ignitions by 99%, making it one of the most effective ways to reduce wildfire risk; and

WHEREAS, Senate Bill 884 (McGuire), which became law in 2023, expedites the undergrounding of utility lines and allows use of federal infrastructure funds; and

WHEREAS, PG&E has committed to protect communities from wildfire threat by undergrounding 10,000 miles of power lines in the Highest Fire Threat Districts; and

WHEREAS, the Panoramic Hill neighborhood is in CAL FIRE's Very High Fire Hazard Severity Zone and Berkeley's Fire Department has designated it with the highest severity level in the City of Berkeley, Fire Zone 3; and

WHEREAS, the North East Berkeley Hills also carry CAL Fire's designation of Very High Fire Hazard Severity Zone and the 94708 ZIP Code, which encompasses most of the NE Hills, was designated as "being roughly within the worst 1% in the state when it comes to population-to-evacuation-route ratios" in 2019 by an AP News Analysis.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges PG&E to include the areas designated by CAL FIRE: Panoramic Hill neighborhood and the North East Berkeley Hills designated as Very High Fire Hazard Severity Zones, into its 10,000 miles of undergrounding in the Highest Fire Threat Districts.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley requests the City Manager issue a press release about this Resolution as a critical Public Safety matter.

Exhibits

A: AP News: How we analyzed California's wildfire evacuation routes



**AP NEWS**

**How we analyzed California's wildfire evacuation routes**

By EVAN WYLOGE April 27, 2019



In this April 17, 2019, photo, a pedestrian crosses Washington St. one of the few roads leading into and out of the Gold Rush community of Sonora, Calif. Residents of Paradise, Calif., who were forced to flee from the Camp Fire, became caught in a nightmare traffic jam on narrow winding roads as they tried to evacuate the area. Sonora faces the same kind of issues of too few escape lanes for too many people in vehicles. The 2018 catastrophe illuminated the grim reality that road systems throughout the state are not designed to handle a sudden evacuation. (AP Photo/Rich Pedroncelli)

REDDING, Calif. (AP) — How many roads are enough to get out?

That's the question we wondered after watching tragedy unfold in Paradise, California, last year during the Camp Fire.

Paradise had five two-lane roads and one four-lane road leading out of town. But the fire forced officials to close three of those routes, further clogging the remaining roads.

Did Paradise have an unusually high ratio of residents to [escape routes](#)? Or were other California communities in a similar situation?

A USA Today-California Network analysis of California communities and [evacuation routes](#) shows that some areas in the state are far outside the norm when it comes to the number of lanes of roadway available for the size of the population.

This is a shorthand method of evaluating the efficacy of egress routes, according to emergency planning experts.

To evaluate exit routes for Californians living in areas at risk of a fire-related evacuation, [we combined and analyzed data](#) from the U.S. Census Bureau, Cal Fire and OpenStreetMap.

We took 2010 census block-level populations, combined with Cal Fire's "Fire Hazard Severity Zone" maps, and aggregated those to ZIP codes, then applied more current population estimates. Next, we spatially joined those areas with the fire risk map. That provided a current population risk breakdown for each ZIP code, based on area and estimated population.

We added OpenStreetMap data to each ZIP code, so we could see which roads cross into or out of the area. Combining the ZIP code population and fire risk data with the standard number of lanes for every major roadway allowed us to come up with a set of ZIP codes that have the greatest number of people living in the highest-risk areas and hypothetically trying to use the fewest number of lanes to leave in any direction or to areas at less risk for fire.

What does this tell us?

In short, the analysis gives an estimate of how many people there are for every lane of major road leaving an area.

When we looked at all ZIP codes in California that have people living in a very high fire risk zone, we found, on average, 134 residents living in the riskiest areas for each lane of [traffic going either direction](#).

Only one out of 20 ZIP codes has more than 313 people living in the [riskiest areas](#) for each lane of traffic. Paradise had more than 1,000, putting it in the worst 1%. But some areas, such as Oak Park in Ventura County, South [Lake Tahoe](#) in El Dorado County or the Palos Verdes Peninsula in Los Angeles County, have two, three or even five times the number of people living in the highest-risk zones, per lane of major roadway out, compared to Paradise.

Here are the ZIP codes the analysis identified as being roughly within the worst 1% in the state when it comes to population-to-evacuation-route ratios:

SOUTHERN CALIFORNIA:

90042: Highland Park and Eagle Rock in Los Angeles County

90272: Pacific Palisades in Los Angeles County  
90274: Rolling Hills in Los Angeles County  
90275: Rancho Palos Verdes in Los Angeles County  
91935: Jamul and surrounding areas in San Diego County  
92065: Ramona and surrounding areas in San Diego County  
92131: Scripps Ranch in San Diego County  
91320: From Newbury Park to Dos Vientos Ranch in western Thousand Oaks in Ventura County  
91377: Oak Park, an unincorporated community in Ventura County  
93021: Moorpark in Ventura County  
92548: Homeland and areas northwest of Homeland in Riverside County  
92584: Menifee in Riverside County  
92314: Big Bear, Minnelusa and Sugarloaf (92386) in San Bernardino County  
CENTRAL CALIFORNIA:  
93924: Carmel Valley and Jamesburg in Monterey County  
NORTHERN CALIFORNIA:  
95954: Magalia in Butte County  
95969: Paradise in Butte County  
96150: South Lake Tahoe and surrounding areas in El Dorado County  
95634: Georgetown and surrounding areas in El Dorado County  
94508: Angwin in Napa County  
94708: Cragmont, Kensington and La Loma Park in northeastern Berkeley in Alameda County  
95422: Clearlake in Lake County  
95451: Kelseyville in Lake County  
95631: Foresthill and surrounding areas in Placer County

95666: Pioneer, Barton and Buckhorn in Amador County



City Clerk Department

November 9, 2021

Patricia Poppe, CEO, Pacific Gas & Electric  
c/o Brian M. Wong  
Vice President, Corporate Secretary  
77 Beale Street, 24th Floor  
Mail Code B24W  
San Francisco, CA 94105

**RE: PG&E's Safety Initiative: 10,000 Miles of Undergrounding Power Lines  
Support from the Berkeley City Council**

At its meeting of November 9, 2021, the Berkeley City Council adopted Resolution No. 70,102-N.S. in support of placing utility power lines underground in the Berkeley Hills and evacuation routes.

Dear CEO Patti Poppe,

*On behalf of the Berkeley City Council, I want to commend PG&E on its Safety Initiative to Underground 10,000 miles of power lines to protect communities from wildfire threat. I also want to recommend that PG&E commit a tiny part of those 10,000 miles of undergrounding to Berkeley's evacuation routes and the two established but yet to be completed Underground Utility Districts in Berkeley's Very High Fire Hazard Severity Zone.*

*A 2019 AP News Analysis identified Berkeley Hills Zip Code 94708 as being within the worst 1% in the state when it comes to population-to-evacuation-route ratios. The Town of Paradise is also in the worst 1% category. Berkeley and Paradise share that terrible distinction with just 31 other Zip Codes in California, out of 1,741 Zip Codes in the state.*

*Berkeley has a history with wildfire. In 1923, a wildfire swept through north Berkeley, ultimately destroying approximately 600 homes and structures. In 1980, a fire in Berkeley's Wildcat Canyon destroyed 5 homes and then, on October 17, 1991, a fierce and destructive wildfire consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes.*

*Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's very high fire hazard severity zone; when fire*

2140 Milvia Street, Berkeley, CA 94704 • Tel: (510) 861-8500 • TDD: (510) 861-6603 • Fax: (510) 861-3601  
e-Mail: [clerk@CityofBerkeley.info](mailto:clerk@CityofBerkeley.info) Website: <http://www.ci.berkeley.ca.us/gaefk>

*ensues, it will cause even further destruction to life, property and further challenge the City's resiliency. Undergrounding Berkeley's 15.1 miles of evacuation routes throughout the city, and UUD 48 and UUD 35A will reduce the threat of wildfire and improve safety for all residents in Berkeley and neighboring jurisdictions as well.*

*The City of Berkeley is intent on having a cooperative and efficient permitting process for undergrounding projects, given our mutual desire and interest in these undergrounding projects.*

*I urge you to include Berkeley's evacuation routes and two established UUDs in PG&E's 10,000-mile promise to underground utilities.*

*I thank you for your leadership on PG&E's Safety Initiative.*

*Sincerely,*

*Berkeley City Council*

Sincerely,



Mark Numainville  
City Clerk

Enclosure: Resolution No. 70,102-N.S.

cc: CPUC  
PG&E Board Members:  
Rajaf Bahri  
Cheryl Campbell  
Kerry Cooper  
Jessica Denecour  
Admiral Mark Ferguson  
Robert Flexon  
W. Craig Fugate  
Arno Harris  
Michael Niggli  
Dean Seavers  
William Smith

Benjamin Wilson  
Jesse Arreguin, Mayor  
Terry Taplin, Councilmember, District 2  
Sophie Hahn, Councilmember, District 5  
Susan Wengraf, Councilmember, District 6  
Dae Williams-Ridley, City Manager

RESOLUTION NO. 70,102-N.S.

PG&E'S SAFETY INITIATIVE: 10,000 MILES OF UNDERGROUNDING

WHEREAS, On July 21, 2021 Pacific Gas and Electric Company's CEO, Patti Poppe, announced a new multi-year Electric Infrastructure Safety Initiative to protect communities from wildfire threat by undergrounding 10,000 miles of power lines in the Highest Fire Threat Districts; and

WHEREAS, A 2019 AP News Analysis identified Berkeley Hills Zip Code 94708 as being within the worst 1% in the state when it comes to population-to-evacuation route ratios; and

WHEREAS, The Town of Paradise is also in the worst 1% category. Berkeley and Paradise share that terrible distinction with just 31 other Zip Codes in California, out of 1,741 Zip Codes in the state; and

WHEREAS, Berkeley has a history with wildfire, including the 1923 wildfire that swept through north Berkeley destroying approximately 600 homes and structures, the 1980 fire in Berkeley's Wildcat Canyon that destroyed five homes and the 1991 fire that consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes; and

WHEREAS, Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's very high fire hazard severity zone; when fire ensues, it will cause even further destruction to life, property and further challenge the City's resiliency; and

WHEREAS, The City Council recommends PG&E commit a tiny part of their 10,000 miles of undergrounding to Berkeley's evacuation routes and previously formed Undergrounding Districts 48 and 35A in order to mitigate wildfire risk caused by equipment or earthquakes and improve safety for all residents in Berkeley; and

WHEREAS, It is the intent of the City of Berkeley to have a cooperative and efficient permitting process for undergrounding projects, given our mutual desire and interest in these undergrounding projects

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it send a letter to the PG&E CEO and Board of Directors, with a copy to the CPUC, recommending that Berkeley's evacuation routes and the two established but yet to be completed Underground Utility Districts in Berkeley's Very High Fire Hazard Severity Zone be considered in the 10,000-mile promise to underground utilities.

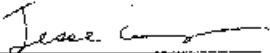


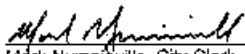
The foregoing Resolution was adopted by the Berkeley City Council on November 9, 2021 by the following vote:

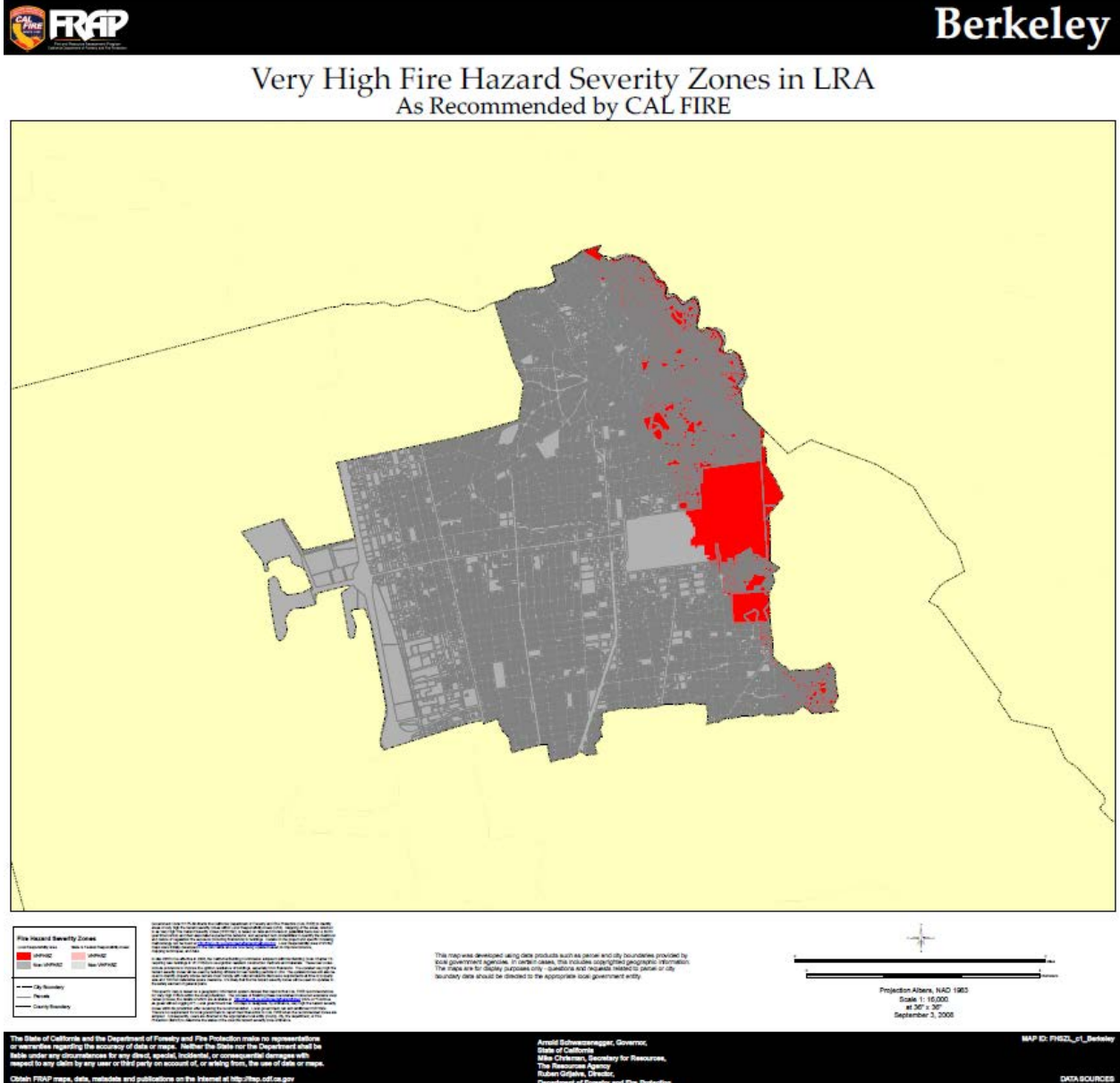
Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

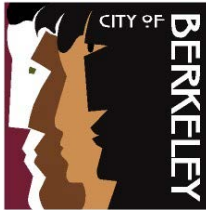
Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numarville, City Clerk



<https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map/upload-1/berkeley.pdf>



**Berkeley City Councilmembers**

**Mark Humbert, District 8**

**Ben Bartlett, District 3**

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

mhumbert@berkeleyca.gov

bbartlett@berkeleyca.gov

**ACTION CALENDAR**

January 30, 2024

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Humbert (Author), Councilmember Bartlett (Co-Author)

**Subject:** Budget Referral: Additional Security Cameras at Intersections Experiencing Increased Violent Crime

**RECOMMENDATION**

In order to deter violent crime and obtain evidence to solve criminal investigations, adopt the following recommendations:

1. Authorize the City Manager to install additional security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime and/or which include arterial streets offering entry/exit points for Berkeley.
2. Refer costs for security cameras and lighting to the next budget process.

Security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.

Priority intersections for security camera installation would include:

- Alcatraz and College
- Woolsey and Telegraph
- Woolsey and Shattuck
- Alcatraz and Adeline
- Alcatraz and Sacramento

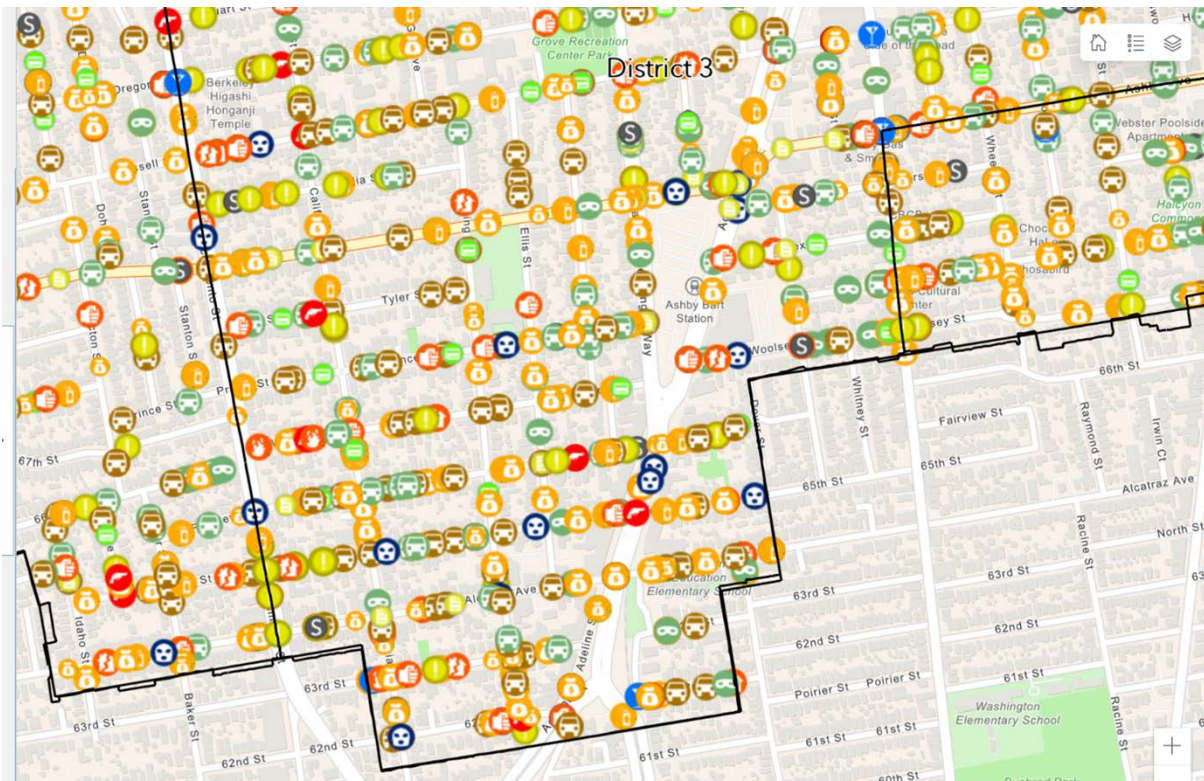
**FINANCIAL IMPLICATIONS**

Estimated one-time costs to install cameras, signage and lighting are likely to range from \$83,000 to \$167,000 per intersection, plus \$44,000 annually for data, software and maintenance. Total costs would vary based on the number of intersections selected. Specifically, total one-time costs for prioritizing the five intersections recommended by the authors would be \$415,000 to \$835,000 plus ongoing data, software and maintenance costs of \$220,000.

**CURRENT SITUATION AND ITS EFFECTS**

According to data from the Berkeley Police Department (BPD), 2023 saw 357 robberies in Berkeley, a 31 percent increase from 2022.<sup>1</sup> A considerable number of these robberies targeted elderly victims with violent attacks, such as the one that took place in December 2023 near College and Alcatraz.<sup>2</sup> In this particular case, a private security camera recorded the suspect subsequently stealing a car, and the footage proved instrumental in their later apprehension.<sup>3</sup> Violent muggings of elders and women have also recently taken place in the vicinity of the Ashby BART station.

High-quality images of suspects and their vehicles would provide valuable investigative leads to assist efforts to bring accountability for violent gun crimes. Shootings often involve suspects who flee the area of the crime in their vehicles. Police investigating the crime often rely on private security cameras owned by residents and/or businesses to obtain video evidence. For these reasons, the City Council already approved funding for and installation of multiple security cameras across the city. Installing additional high-quality cameras at major arterials would expand access to video and allow investigators to check the footage for suspects fleeing the crime area in their vehicle.



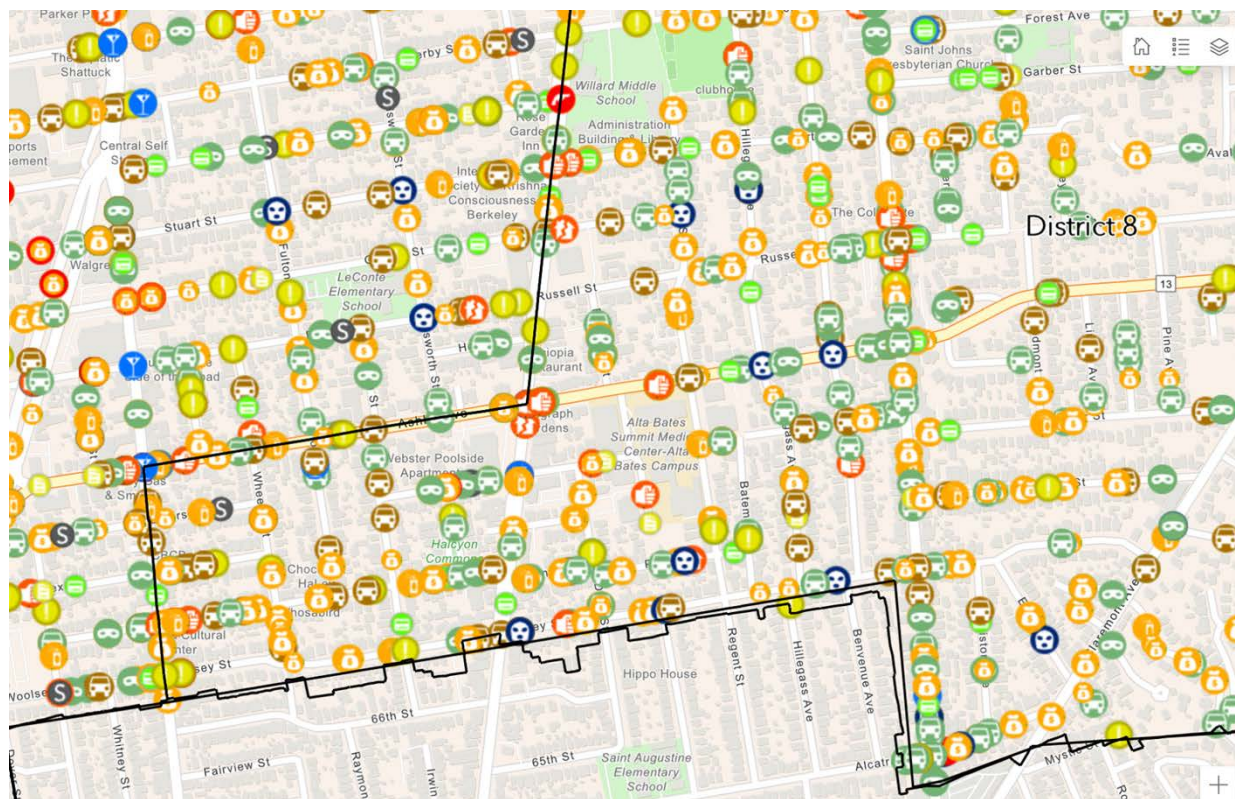
Map showing 1-year of crime data in vicinity of southern District 3. (From BPD Transparency Hub)

<sup>1</sup> Gecan, Alex N. (2023), *Catalytic converter thefts went down in Berkeley this year, but robberies went up*, Berkeleyside, <https://www.berkeleyside.org/2023/12/29/berkeley-crime-data-2023>

<sup>2</sup> NBC Bay Area (2023), *Berkeley woman speaks out after being mugged, car stolen by thieves*, <https://www.youtube.com/watch?v=skMisXDQTJk>

<sup>3</sup> Raguso, Emilie (2023), *Berkeley robbery suspect facing new charges after car theft*, <https://www.berkeleyscanner.com/2023/12/27/arrests/berkeley-robbery-suspect-new-charges/>





Map showing 1-year of crime data in vicinity of southern District 8. (From BPD Transparency Hub)

The City already urges private property owners with security cameras to register their cameras with BPD to assist in criminal investigations, and property owners readily avail themselves of this resource. According to the Department, as of 2021 a total of 283 security cameras owned by private citizens and businesses are currently registered with BPD. Valuable public safety resources should not be delegated entirely to the voluntary cooperation of private entities, particularly when violent gunfire has occurred in many public spaces including parks and major intersections.

Strategically placed cameras should be of sufficient quality to capture high resolution video. Cameras would *not* be equipped with Automated License Plate Readers (ALPR) and would not be continuously monitored. The recordings would be an investigative resource which officers could access while investigating specific crimes and could assist in a reduction of crime. This would be an additional element of our Police Department's crime prevention strategies.

"Stationary security cameras affixed to City property or facilities" are not regulated under the Surveillance Technology Ordinance (BMC Section 2.99.020.1.i). As a result, stationary camera installation at major thoroughfares would be exempt from the requirements of BMC Chapter 2.99.

Providing security cameras in the public right-of-way is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

BACKGROUND

A 2011 report<sup>4</sup> from The Urban Institute’s Justice Policy Center noted that cameras can be an effective tool for preventing crimes and supporting investigations. These tools appear fiscally prudent both as tools for investigations, and with the installation and maintenance of security cameras being less costly than the costs associated with crimes that may take place without them. Moreover, an experiment conducted at the University of Twente in the Netherlands finds evidence that the presence of security cameras can encourage “prosocial” and “helping behavior” among bystanders.<sup>5</sup>

Berkeley’s Police Department has been conducting Crime Prevention Through Environmental Design (CPTED) assessments for neighborhoods throughout the City over the past several years. These assessments include recommendations such as: increased lighting, maintenance of properties, landscaping and signage that can be used to deter criminal behavior.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

|                            |                    |              |
|----------------------------|--------------------|--------------|
| Councilmember Mark Humbert | Council District 8 | 510-981-7180 |
| Councilmember Ben Bartlett | Council District 3 | 510-981-7130 |

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<sup>4</sup> La Vigne, N. G., et al. (2011). Evaluating the use of public surveillance cameras for crime control and prevention. *Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Urban Institute, Justice Policy Center*, 1-152.

<sup>5</sup>Van Rompay, T. J., et al. (2009). The eye of the camera: Effects of security cameras on prosocial behavior. *Environment and Behavior*, 41(1), 60-74. Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.844.4026&rep=rep1&type=pdf>



Item Removed From  
Agenda

This item has been removed from the agenda by the City Manager.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Website**  
<https://berkeleyca.gov/your-government/city-council>







Office of the City Manager

INFORMATION CALENDAR  
January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: LPO NOD: 2119 Marin Avenue, #LMSAP2023-0003

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) approved a Structural Alteration Permit (SAP) to make alterations to the subject City Structure of Merit property. This action is subject to a 15-day appeal period, which began on January 16, 2024.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the NOD. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by January 30, 2024. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to certify or appeal the decision, setting the matter for public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner/LPC Secretary; Planning and Development Department, 510-981-7410  
Reina Kapadia, AICP, Senior Planner; Planning and Development Department, 510-981-7485

Attachments:

- 1: Notice of Decision – 2119 Marin Avenue, #LMSAP2023-0003



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N

---

N o t i c e o f D e c i s i o n

**DATE OF BOARD DECISION: November 2, 2023**  
**DATE NOTICE MAILED: January 15, 2024**  
**APPEAL PERIOD EXPIRATION: January 30, 2024**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): January 31, 2024<sup>1</sup>**

## 2119 Marin Avenue – The Laflin House

**Structural Alteration Permit (#LMSAP2023-0003) to complete exterior façade and roof alterations to a City Structure of Merit property.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Property Owner:** Michael and Anne Ray  
2119 Marin Avenue  
Berkeley, CA 94707
- **Project Applicant & Architect:** Kerstin Fischer  
Fischer Architects  
2984 San Pablo Avenue  
Berkeley, CA 94702

**ZONING DISTRICT:** Single Family Residential, Hillside Overlay (R-1H)

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<sup>1</sup> Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

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**ENVIRONMENTAL REVIEW STATUS:** The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*.

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**The application materials for this project is available online at:**

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or  
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

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**FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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**COMMISSION VOTE: 8-0-0-0** *(note: one vacancy)*

**YES:** CRANDALL, ENCHILL, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU, FINACOM, LINVILL

**NO:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
  - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$1,500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

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- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

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C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**PUBLIC COMMENT:**

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Reina Kapadia, at (510) 981-7485 or [rkapadia@berkeleyca.gov](mailto:rkapadia@berkeleyca.gov). All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3<sup>rd</sup> Fl., during regular business hours.

**ATTACHMENTS:**

- 1. Findings and Conditions
- 2. Project Plans and Materials Information



**ATTEST:** \_\_\_\_\_  
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Applicant: Kerstin Fischer, Fischer Architects, 2984 San Pablo Avenue, Berkeley, CA 94702  
Property Owner: Michael and Anne Ray, 2119 Marin Avenue, Berkeley, CA 94707  
Interested Party: Daniel Fisher and Kirsten Tranter, 2125 Marin Avenue, Berkeley, CA 94707

# Attachment 1, Part 2

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## Findings and Conditions

### **2119 Marin Avenue – The Laflin House**

**Structural Alteration Permit #LMSAP2023-0003 to complete exterior façade and roof alterations to a City Structure of Merit property.**

#### **CEQA FINDINGS**

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

#### **SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS**

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Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The subject property features a single-family residence designed by Walter H. Ratcliff, Jr. The use of the property would continue, unchanged, with this project.
2. As conditioned, the project will retain the historic character of the property and will avoid extensive removal of distinctive materials and the alteration of features that characterize the property.
3. This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project. None of the proposed alterations are found to create a false sense of historical development.
4. No changes to this property that have acquired historic significance in their own right, would be impacted by this project. The majority of alterations are located on the rear elevation at the area of the 1978 addition, which is not considered to have acquired historic significance.



5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize this property, such as the exterior wood shingles and lap siding of the main building, will be preserved and refurbished where possible with this project, and only replaced in-kind where preservation is not physically feasible.
6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. Chemical or physical treatments are not anticipated; however, if they are appropriate, they will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. The project site is not known to have the potential to yield subsurface resources; the scope of proposed excavation is limited and not likely to disturb such resources if they exist. Nevertheless, as conditioned herein, actions to preserve and protect unexpected discoveries during project construction are required
9. Since the proposed new work does not involve a new addition and relates to changes to the facades of the existing structure, the work has been designed in a manner to increase compatibility with the historic structure. The project utilizes complementary, high-quality materials employing colors and finishes that harmonize with the historic design elements of the building. New siding at the area of the 1978 (non-historic) addition will be sufficiently differentiated from the historic siding design.
10. If the proposed façade alterations, re-roofing, or painting were to be removed or reversed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**LANDMARK PRESERVATION ORDINANCE FINDINGS**

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property, because:
  - A. The proposed project will not adversely affect the architectural design of the City Structure of Merit Laflin House because the scope of work is limited to minor alteration such as enlargement of windows that are similar to and compatible with the Shingle style of the residence. The placement and spatial arrangements of the property will be retained as the proposed façade and roofing material alterations do not impact the footprint and volume of the historic structure. As conditioned, the removal of historic materials, such as original windows and exterior cladding materials, will be minimized to the greatest extent possible.
  - B. The special character and historic value of this City Structure of Merit property lay in its direct associations with the notable architect Walter H. Ratcliff, Jr., Shingle-style architecture, and as a contemporary of nearby City Landmarks (Elmer Buckman House, 1910, and Northbrae Public Improvements, 1907). The proposed work would not impair these associations.

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**STANDARD CONDITIONS**

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The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

**1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

**2. Plans and Representations Become Conditions**

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

**3. Subject to All Applicable Laws and Regulations**

The approved construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to installation, the applicant shall obtain Use Permit approval in accordance with BMC Section 23C.17 (Wireless Telecommunication). Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

**4. Exercise and Lapse of Permits**

- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has:
  - (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

**5. Indemnification Agreement**

The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action,

proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

6. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
7. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
8. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
9. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

### **ADDITIONAL CONDITIONS**

The following additional conditions are attached to this Permit:

10. **CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permits for the project scope.
11. **PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the SAP project plans dated/received December 21, 2022
12. **REPAIR AND REPLACEMENT OF CHARACTER-DEFINING FEATURES.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible,

materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

13. **PROJECT PLANS – REVISIONS REQUIRED.** Prior to submittal of any building permit for this project, the applicant shall revise the proposed awning design on the rear (north) elevation to avoid diminishing of San Francisco from the residence to the east (2125 Marin Avenue) to the extent possible, for final approval by the Landmarks plan checker. The applicant may submit a letter from the owner of the residence at 2125 Marin Avenue indicating that improvements were made to the proposed awning design.
14. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
15. **COLORS AND MATERIALS.** Prior to submittal of any building permit for this project, the applicant shall submit a final color and materials board for review and approval by Landmarks staff, in coordination with the LPC Chair as needed. Approved colors and materials shall be denoted on the building permit set of drawings.
16. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit window, door, base, and trim details for review and approval by the Landmarks plan checker.
17. **ROOF EQUIPMENT.** Any roof equipment shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.
18. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
19. **LANDSCAPE PLANS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit a Landscape plan including the number, location, and species of all proposed plantings, and which existing plantings shall be removed. The applicant shall provide irrigation for all landscaped areas or provide drought tolerant plant palette. This shall be called out on Landscape building permit drawings.
20. **LANDSCAPE IRRIGATION.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.
21. **CURB CUTS** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

- 22.** The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
- 23.** The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
- 24.** All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
- 25.** The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**2119 MARIN AVE**  
BERKELEY, CA 94707  
OCTOBER 5, 2023  
STRUCTURAL ALTERATIONS

—  
**FISCHER  
ARCHITECTURE**  
tel 510.204.9250 | fischerarchitecture.com  
2884 San Pablo Ave, Berkeley, CA 94702



## GENERAL NOTES

1. **EXAMINATION OF THE SITE AND PORTIONS THEREOF WHICH WILL AFFECT THIS WORK SHALL BE MADE IMMEDIATELY BY THE CONTRACTOR, WHO SHALL COMPARE IT WITH THE DRAWINGS AND SATISFY HIMSELF TO CONDITIONS UNDER WHICH WORK IS TO BE PERFORMED. HE SHALL AT SUCH TIME ASCERTAIN AND CHECK LOCATIONS OF THE EXISTING STRUCTURES AND EQUIPMENT WHICH MAY AFFECT HIS WORK. NO ALLOWANCE SHALL BE MADE FOR ANY EXTRA EXPENSE TO WHICH HE MAY BE DUE BECAUSE OF FAILURE OR NEGLECT ON HIS PART TO MAKE SUCH EXAMINATIONS. ANY CONFLICTS OR OMISSIONS, ETC., SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.**

2. **ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND THE OWNER BEFORE PROCEEDING WITH THE WORK.**

3. **WHERE REFERENCED IN NOTES, ARCHITECT SHALL BE FISCHER ARCHITECTURE, OWNER SHALL BE ANNE AND MICHAEL RAY.**

4. **CONTRACTOR SHALL PROVIDE ARCHITECT AND OWNER WITH A COMPLETE COST BREAKDOWN AND SCHEDULE OF CONSTRUCTION FOR THIS PROJECT PRIOR TO COMMENCEMENT OF WORK.**

5. **CONTRACTOR SHALL PROTECT NEW MATERIALS AND FINISHES FROM DAMAGE WHICH MAY OCCUR FROM CONSTRUCTION, DEMOLITION, DUST, WATER, ETC., AND SHALL PROVIDE AND MAINTAIN TEMPORARY BARRICADES, CLOSURE WALLS, ETC., AS REQUIRED TO PROTECT THE PUBLIC AS REQUIRED DURING THE PERIOD OF CONSTRUCTION. DAMAGE TO NEW MATERIALS, FINISHES, STRUCTURES, AND EQUIPMENT SHALL BE REPAIRED OR REPLACED. CONTRACTOR SHALL COORDINATE TEMPORARY BARRICADES WITH ARCHITECT AND / OR OWNER PRIOR TO COMMENCEMENT OF WORK.**

6. **ALL CONSTRUCTION WORK IS TO COMPLY WITH THE 2019 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, HISTORICAL, EXISTING AND GREEN BUILDING STANDARDS CODE AS AMENDED BY THE CITY OF SAN FRANCISCO, AND AS APPLICABLE. (CAC 1-2019(a)) ALL WORK SHALL BE DONE IN A THOROUGH, WORKMANLIKE MANNER AND EQUAL TO THE BEST STANDARDS OF THE PRACTICE.**

7. **ALL WORK LISTED, SHOWN OR IMPLIED ON ANY CONSTRUCTION DOCUMENT SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR EXCEPT WHERE NOTED. THE CONTRACTOR SHALL CLOSELY COORDINATE HIS WORK WITH THAT OF OTHER CONTRACTORS OR VENDORS TO ASSURE THAT ALL SCHEDULES ARE MET AND THAT ALL WORK IS DONE IN CONFORMANCE TO MANUFACTURERS REQUIREMENTS. WORK REQUIRED UNDER THIS CONTRACT SHALL INCLUDE ALL LABOR, MATERIALS, EQUIPMENT, ETC., NECESSARY TO COMPLETE THIS PROJECT. ALL MATERIALS SHALL BE NEW AND UNUSED, UNLESS SPECIFICALLY NOTED, AND BE OF A QUALITY ACCEPTABLE BY INDUSTRY STANDARDS.**

8. **THE USE OF THE WORD "PROVIDE" IN CONNECTION WITH ANY ITEM SPECIFIED IS INTENDED TO MEAN THAT SUCH ITEM SHALL BE FURNISHED, INSTALLED, AND CONNECTED WHERE SO REQUIRED, EXCEPT AS NOTED.**

9. **THE CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DOCUMENTS ON THE JOB SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DOCUMENTS AS REQUIRED. THE CONTRACTOR, IN ASSUMING RESPONSIBILITY FOR THE WORK INDICATED, SHALL COMPLY WITH THE LETTER IN WHICH THEY WERE DRAWN.**

10. **THE CONTRACTOR SHALL REMOVE ALL RUBBISH AND WASTE MATERIALS OF ALL SUBCONTRACTORS AND TRADES ON A REGULAR BASIS, AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING TO PREVENT ANY DIRT, DEBRIS OR DUST FROM AFFECTING IN ANY WAY, FINISHED AREAS IN OR OUTSIDE THE JOB SITE.**

11. **THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN INTENT AND GENERAL TYPE OF CONSTRUCTION DESIRED.**

12. **DETAILS SHOWN ARE TYPICAL U.O.N. SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS.**

13. **ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS, THE STATE FIRE MARSHALL, THE SAFETY OFFICE OF THE DIVISION OF INDUSTRIAL SAFETY, AND ANY APPLICABLE STATE OR LOCAL LAWS AND ORDINANCE. NOTHING ON THESE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES. ANY QUESTIONS REGARDING INSTALLATIONS SHALL BE BROUGHT TO THE ARCHITECT FOR CLARIFICATION.**

14. **INSTALL BATT INSULATION PER T24 AND CAL ENERGY CODE BETWEEN STUDS AND JOISTS AT ALL EXTERIOR WALLS, CEILINGS, AND FLOORS WHERE EXPOSED.**

15. **ALL DIMENSIONS ON CONSTRUCTION DRAWINGS ARE TO FACE OF FINISH UNLESS NOTED AS BEING TO FACE OF FRAMING. DIMENSIONS ARE TO BOTTOM OF FINISHED CEILING OR TOP OF FINISHED FLOOR IN INTERIOR ELEVATIONS UNLESS OTHERWISE NOTED.**

16. **ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE. ANY DISCREPANCIES SHALL BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT. CONTRACTOR SHALL NOT SCALE DRAWINGS. QUESTIONS REGARDING DIMENSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO ANY START OF WORK.**

17. **WINDOW AND DOOR SIZES ARE NOMINAL DIMENSIONS. REFER TO MANUFACTURER FOR ACTUAL ROUGH OPENING SIZES.**

18. NOT USED.

19. NOT USED.

20. **SEALANT, CAULKING, AND FLASHING, ETC., LOCATIONS SHOWN ON DRAWINGS ARE NOT INTENDED TO BE INCLUSIVE. FOLLOW MANUFACTURER'S INSTALLATION RECOMMENDATIONS AND STANDARD INDUSTRY AND BUILDING PRACTICES.**

21. **PROVIDE SOLID WOOD BACKING FOR ALL SURFACE MOUNTED ACCESSORIES.**

22. **ALL WORK SHALL BE GUARANTEED AGAINST DEFECTS IN DESIGN, INSTALLATION AND MATERIAL FOR A MINIMUM PERIOD OF ONE YEAR FROM DATE OF COMPLETION.**

23. **ALL MATERIALS FOR USE ON THE PROJECT SHALL BE STORED WITHIN THE PROJECT SITE.**

24. **CONTRACTOR SHALL PERSONALLY SUPERVISE AND DIRECT THE WORK OR SHALL KEEP A COMPETENT EMPLOYEE, AUTHORIZED TO RECEIVE INSTRUCTIONS AND ACT ON THE CONTRACTOR'S BEHALF, CONTINUOUSLY ON SITE DURING WORKING HOURS.**

25. **ALL QUESTIONS REGARDING PROJECT EITHER DURING BIDDING PHASE OR DURING CONSTRUCTION SHALL BE DIRECTED TO THE ARCHITECT IN WRITING BY EMAIL: kerstin@fischerarchitecture.com**

26. **DEMOLITION: THE CONTRACTOR SHALL ENTIRELY DEMOLISH AND REMOVE FROM SITE ANY STRUCTURE OR PORTION THEREOF, OR SITE FEATURE INDICATED TO BE REMOVED.**

27. **SALVAGE & RECYCLING: ALL ITEMS DEEMED SALVAGEABLE OR RECYCLABLE BY THE OWNER WILL EITHER HAVE BEEN INDICATED ON THE DRAWINGS, REMOVED PRIOR TO THE START OF DEMOLITION, OR WILL BE DIRECTED BY THE OWNER TO BE STORED BY THE CONTRACTOR AND SHALL REMAIN THE PROPERTY OF THE OWNER. ITEMS TO BE RELOCATED WILL HAVE BEEN INDICATED ON THE DRAWINGS. REFER TO CITY RECYCLING AND SALVAGING REQUIREMENTS ON FOLLOWING PAGES.**

28. **DESIGN BUILD: ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK SHALL BE DESIGN BUILD BASED ON THE INFORMATION PROVIDED IN THE CONSTRUCTION DOCUMENTS.**

29. **THE CONTRACTOR SHALL SUBMIT A LIST OF PAINTS, PRIMERS, SEALANTS, CAULKING, AND ADHESIVES INSTALLED WITHIN THE INTERIOR OF THE BUILDING. LIST TO INCLUDE MATERIAL TYPE (PER CALGREEN TABLES 4.504.1 AND 4.504.2) MANUFACTURER NAME, MODEL NAME/NUMBER, VOC AMOUNT, AND CALGREEN VOC NOT TO EXCEED LIMIT PER PRODUCT.**

30. **PROJECT CLOSEOUT:**


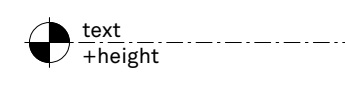
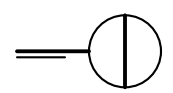

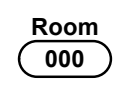
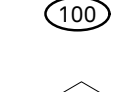
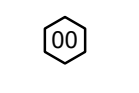

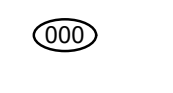
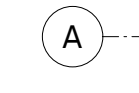
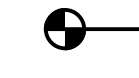

A. **CONTRACTOR SHALL REVIEW PROJECT WITH ARCHITECT AND/OR OWNER TO ENSURE THAT ALL REQUIREMENTS OF THE CONTRACT DOCUMENTS HAVE BEEN FOLLOWED.**

B. **CONTRACTOR SHALL OBTAIN ALL REQUIRED CERTIFICATES AND NOTICES.**

C. **ALL WORK PERFORMED SHALL BE CLEAN AND READY FOR USE.**

D. **UPON SUBSTANTIAL COMPLETION, THE ARCHITECT SHALL, AT THE CONTRACTOR'S WRITTEN REQUEST, COMPILE A PROJECT PUNCH LIST NOTING ANY CORRECTIONS OR OMISSIONS. ARCHITECT'S ACCEPTANCE WILL BE CAUSE FOR FINAL PAYMENT, UNLESS SPECIFICALLY DETERMINED OTHERWISE BY OWNER.**

## SYMBOLS / ABBREVIATIONS

|                                                                                   |                                  |                                                                                     |
|-----------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------|
|  | Exterior Elevation / Section Cut |  |
|  | Detail Key                       |  |
|  | Room Name / Number               |  |
|  | Door Number                      |  |
|  | Window Number                    |  |
|  | Elevation Marker                 |  |

|          |                         |
|----------|-------------------------|
| adj      | adjustable              |
| af.f.    | above finished floor    |
| blkg     | blocking                |
| CL       | center line             |
| clng     | ceiling                 |
| clr      | clear                   |
| dim      | dimension               |
| DN       | down                    |
| dtl      | detail                  |
| dwg      | drawing(s)              |
| ea       | each                    |
| el       | elevation (height)      |
| elect    | electrical              |
| elevs    | elevation (drawings)    |
| eq       | equal                   |
| (e)      | existing                |
| ext      | exterior                |
| f.b.o.   | furnished by owner      |
| f.f.     | finished floor          |
| fluor    | fluorescent             |
| ga       | gauge                   |
| galv     | galvanized              |
| gyp. bd. | gypsum board            |
| hr       | hour                    |
| ht       | height                  |
| max      | maximum                 |
| mech     | mechanical              |
| manuf    | manufacturer            |
| min      | minimum                 |
| mtl      | metal                   |
| min      | minimum                 |
| mtl      | metal                   |
| NIC      | not in contract         |
| NTS      | not to scale            |
| (n)      | new                     |
| o.c.     | on center               |
| opp      | opposite                |
| o/       | over                    |
| PL       | property line           |
| ply      | plywood                 |
| ptd      | painted                 |
| r        | radius                  |
| req'd    | required                |
| r.o.     | rough opening           |
| s.s.d.   | see structural drawings |
| s.c.d.   | see civil drawings      |
| s.l.d.   | see lanscape drawings   |
| sim      | similar                 |
| st. stl. | stainless steel         |
| st.      | steel                   |
| std      | standard                |
| (t)      | tempered glass          |
| t.b.d.   | to be determined        |
| thru     | through                 |
| t.o.     | top of                  |
| typ.     | typical                 |
| ver      | verify                  |
| v.i.f.   | verify in field         |
| w.o.     | where occurs            |
| u.o.n.   | unless otherwise noted  |
| UP       | up                      |

## PROJECT INFORMATION

|                                                         |                                                                                            |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Project Address:                                        | 2119 Marin Ave, Berkley, CA 94707                                                          |
| APN:                                                    | 057 205602300                                                                              |
| Zoning District:                                        | R-1H                                                                                       |
| Construction Type:                                      | V-B                                                                                        |
| Occupancy Type:                                         | R-3                                                                                        |
| Parking Spaces:                                         | 2 (garage)                                                                                 |
| Front Yard Setback:                                     | 20'-0"                                                                                     |
| Side Yard Setback:                                      | 4'-0"                                                                                      |
| Rear Yard Setback:                                      | 20'-0"                                                                                     |
| Number of Stories:                                      | 2                                                                                          |
| Basement:                                               | 1                                                                                          |
| Average Building Height:                                | 26'-4" (no change)                                                                         |
| Maxium Building Height:                                 | 32'-6" (no change)                                                                         |
| Lot Area:                                               | 10,553 sq ft                                                                               |
| Gross Building Area-existing<br>(residence and garage): | 3,369 sq ft                                                                                |
| Gross Building Area-proposed<br>(residence and garage): | 3,400 sq ft                                                                                |
| Applicable Codes:                                       | 2022 CBC, CRC, CEC, CPC, CMC, CFC,<br>Calif Green Building Code,<br>Calif Energy Code, BMC |
| Sprinkler System:                                       | No                                                                                         |
| Fire Alarm System:                                      | Yes                                                                                        |

## PROJECT TEAM

### OWNER

Anne and Michael Ray  
2119 Marin Ave  
Berkeley, CA 94707

### GENERAL CONTRACTOR

Oliver Builders Inc.  
1031 Pardee St,  
Berkeley, CA 94710  
tel. 510.527.5171  
Severin Oliver, Contractor

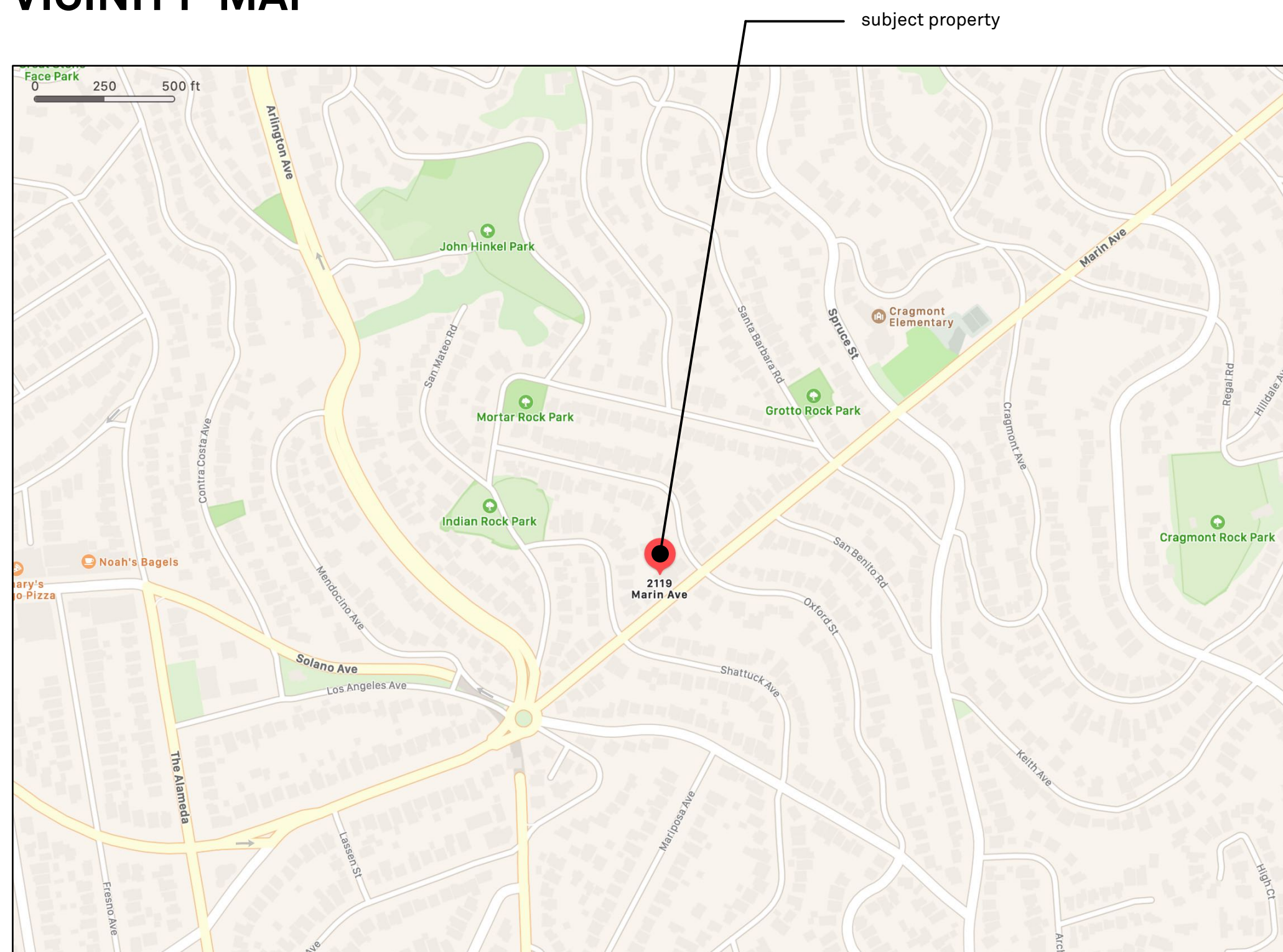
### ARCHITECT

Fischer Architecture  
2984 San Pablo Avenue  
Berkeley, CA 94702  
tel. 510.204.9250  
Kerstin Fischer, Principal  
Andrew Fischer, Principal

### STRUCTURAL ENGINEER

Berkeley Structural Design  
1411 Glendale Ave  
tel. 510.981.1016  
Berkeley, CA 94708  
Bill Lynch, Engineer

## VICINITY MAP



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NOTES:

## PROJECT DESCRIPTION

Interior remodel of the kitchen, breakfast area, office nook, powder room, primary bed/bath suite, and secondary bathroom. Exterior work comprises a reconfiguration of window locations on north elevation on the main and upper levels; the addition of a window and the relocation of a window at the basement level on the north elevation; the addition of two skylights on the roof; and the replacement of a bedroom window on the east elevation. Exterior changes to historic characteristic features are limited to two windows on the west elevation, which will be enlarged but retain the same center post, and one window on the south elevation, which will be moved to be centered on the dormer ridgeline and reduced by 4" in height by raising the sill to coordinate with the adjacent roof. Exterior finishes will be replaced in-kind where damage has occurred.

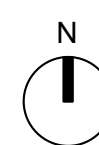
## SHEET INDEX

### Architectural Drawings

|      |                                    |
|------|------------------------------------|
| A0.0 | Cover                              |
| A0.1 | Project Info                       |
| A0.2 | BMP                                |
| A0.3 | Site/Roof Plan and Photos          |
| A1.0 | Existing/Demo Plans                |
| A1.1 | Existing/Demo Elevations           |
| A2.0 | Proposed Floor Plans               |
| A3.0 | Proposed Elevations                |
| A3.1 | Proposed Elevations - Illustrative |

DESCRIPTION  
SITE PLAN AND INFO

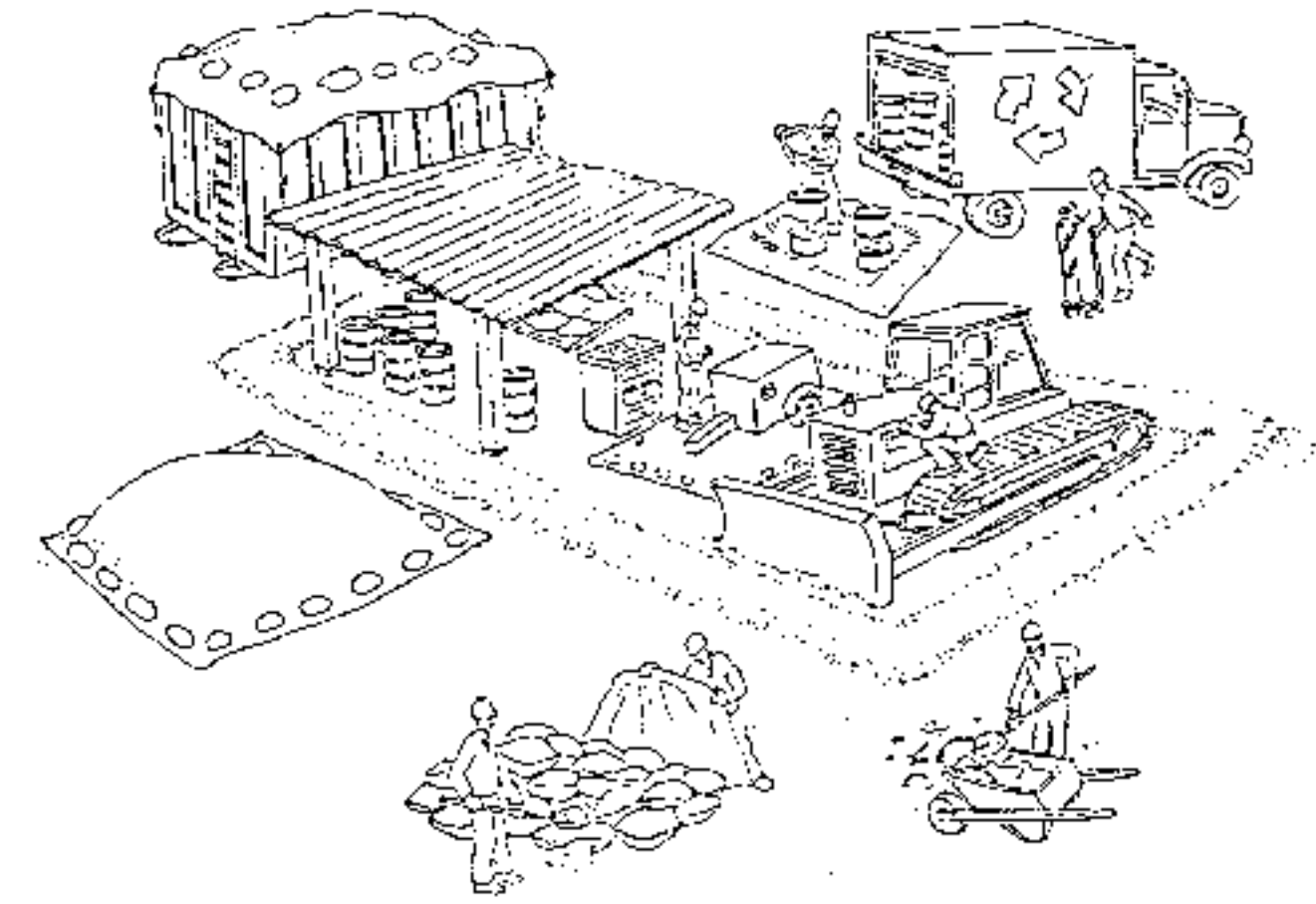
SHEET



# A0.1



# Pollution Prevention — It's Part of the Plan



## Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

### Materials storage & spill cleanup

#### Non-hazardous materials management

Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.

Use (but don't overuse) reclaimed water for dust control as needed.

Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!

Recycle all asphalt, concrete, and aggregate base material from demolition activities.

Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

#### Hazardous materials management

Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.

Store hazardous materials and wastes in secondary containment and cover them during wet weather.

Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.

Be sure to arrange for appropriate disposal of all hazardous wastes.

#### Spill prevention and control

Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.

When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!

Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

### Vehicle and equipment maintenance & cleaning

Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.

Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.

If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.

Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



### Earthwork & contaminated soils

Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.

Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.

Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.

If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.

If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Regional Water Quality Control Board or local hazardous waste management agency for help in determining what testing should be done, and manage disposal of contaminated soil according to their instructions.

### Dewatering operations

Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.

Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.

In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.



### Saw cutting

Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.

Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).

If saw cut slurry enters a catch basin, clean it up immediately.

### Concrete, grout, and mortar storage & waste disposal

Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.

Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.

Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.

If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.



### Paving/asphalt work

Do not pave during wet weather or when rain is forecast.

Always cover storm drain inlets and man-holes when paving or applying seal coat, tack coat, slurry seal, or fog seal.

Place drip pans or absorbent material under paving equipment when not in use.

Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.

Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.

Do not use water to wash down fresh asphalt concrete pavement.



### Painting

Never rinse paint brushes or materials in a gutter or street!

Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.

Paint out excess oil-based paint before cleaning brushes in thinner.

Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.







9. EAST ELEVATION



8. NORTH ELEVATION



7. WEST ELEVATION



6. EXISTING GARAGE PHOTO - SOUTH ELEVATION



5B. EAST ELEVATION FROM SOUTH SIDE



5A. EAST ELEVATION FROM NORTH SIDE



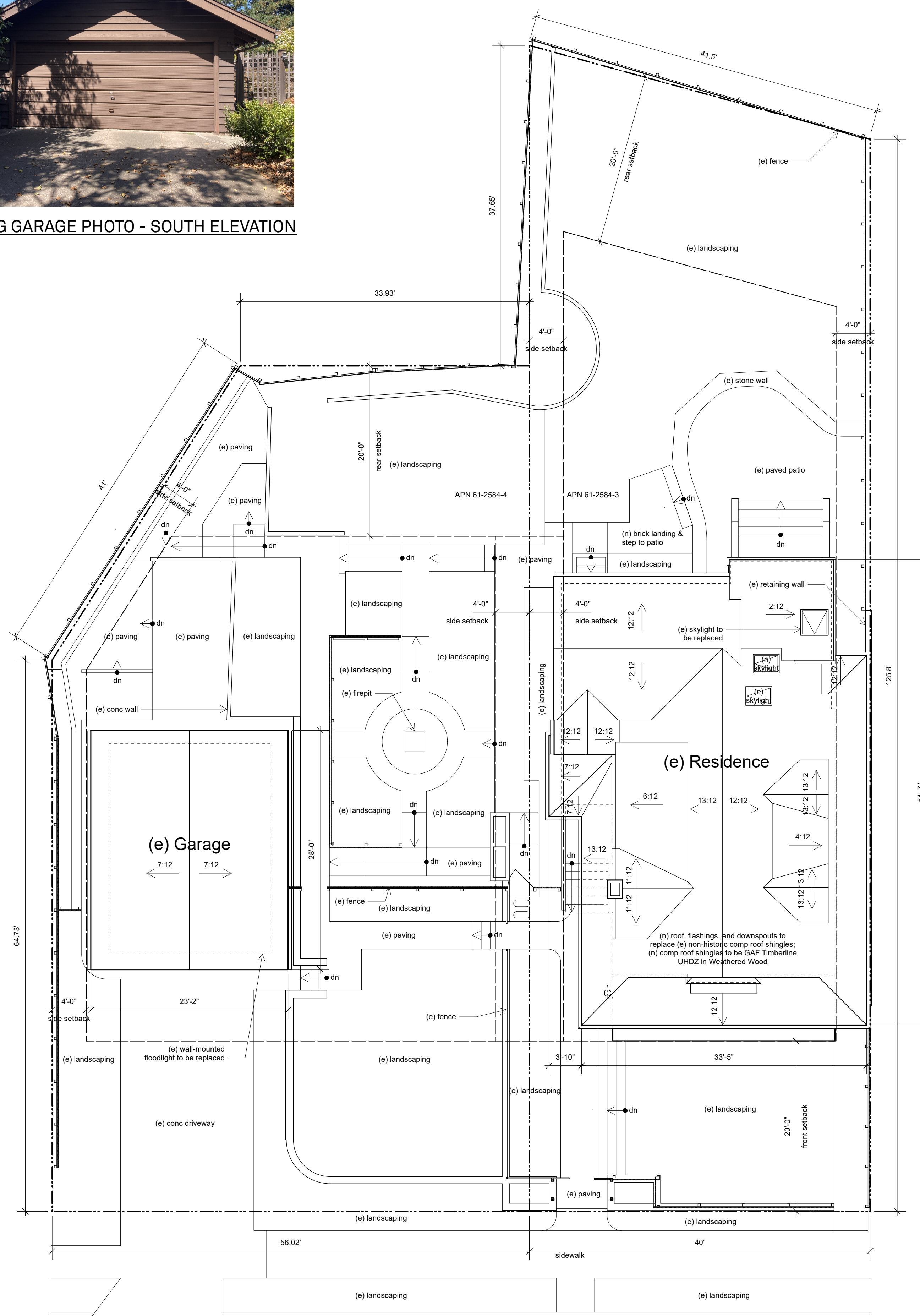
4. EXISTING HOUSE PHOTO - NORTH ELEVATION



3. WEST ELEVATION



2. EXISTING HOUSE PHOTO - SOUTH ELEVATION



Marin Ave

1. PROPOSED SITE/ROOF PLAN  
SCALE: 1/8" = 1'-0"

# FISCHER ARCHITECTURE

tel 510.204.9250 | fischerarchitecture.com  
2984 San Pablo Ave, Berkeley, CA 94702

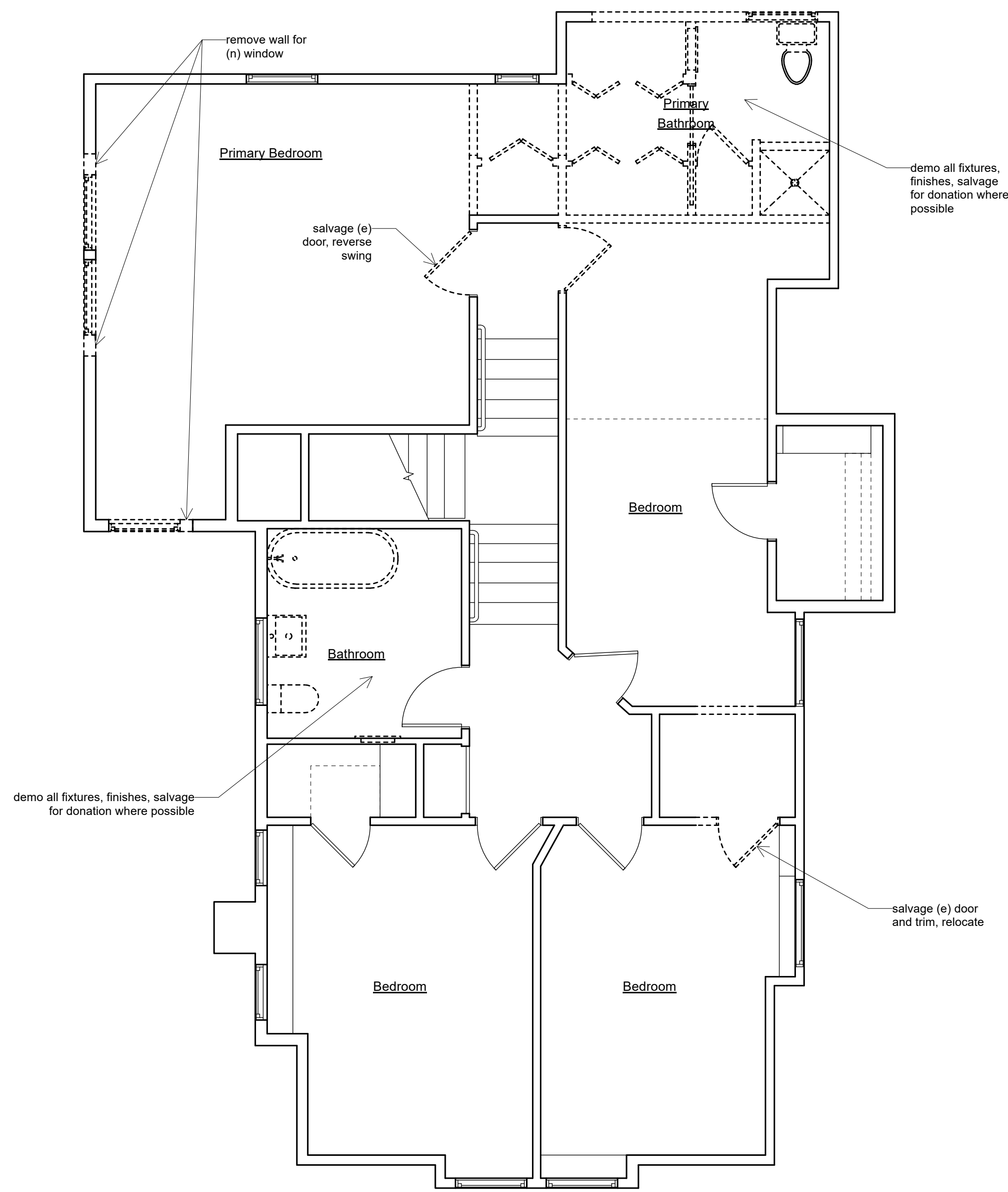
**RAY RESIDENCE**  
2119 Marin Ave  
Berkeley, CA 94707  
APN: 061 258400300

| REV.      | DATE | ISSUE                  | DRWN. |
|-----------|------|------------------------|-------|
| 10.5.2023 |      | Structural Alterations | KF/AJ |

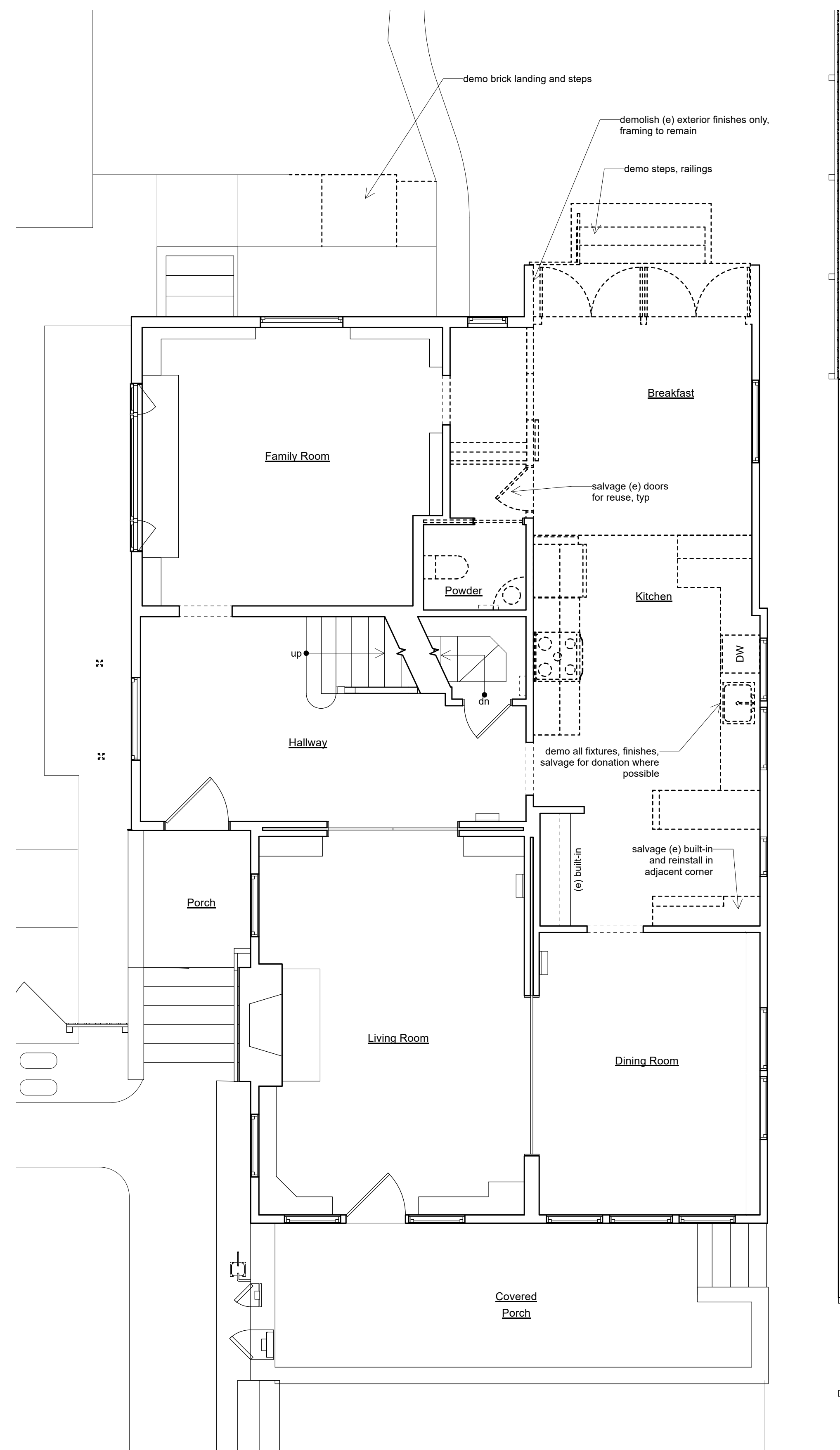
DESCRIPTION  
SITE/ROOF PLANS AND PHOTOS



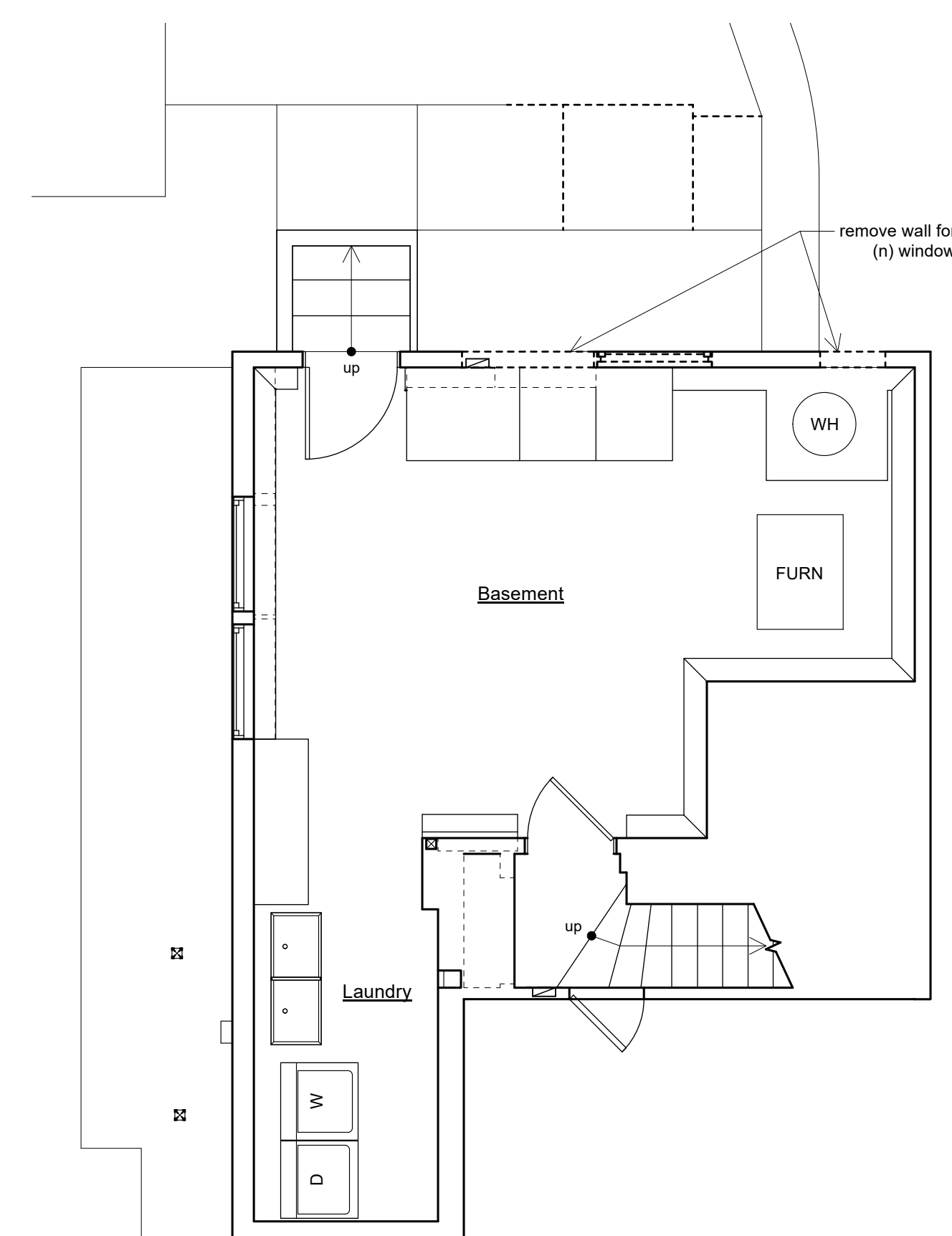




3. EXISTING/DEMO UPPER LEVEL PLAN  
SCALE: 1/4" = 1'-0"



2. EXISTING/DEMO MAIN LEVEL PLAN  
SCALE: 1/4" = 1'-0"



1. EXISTING/DEMO BASEMENT PLAN  
SCALE: 1/4" = 1'-0"

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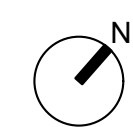
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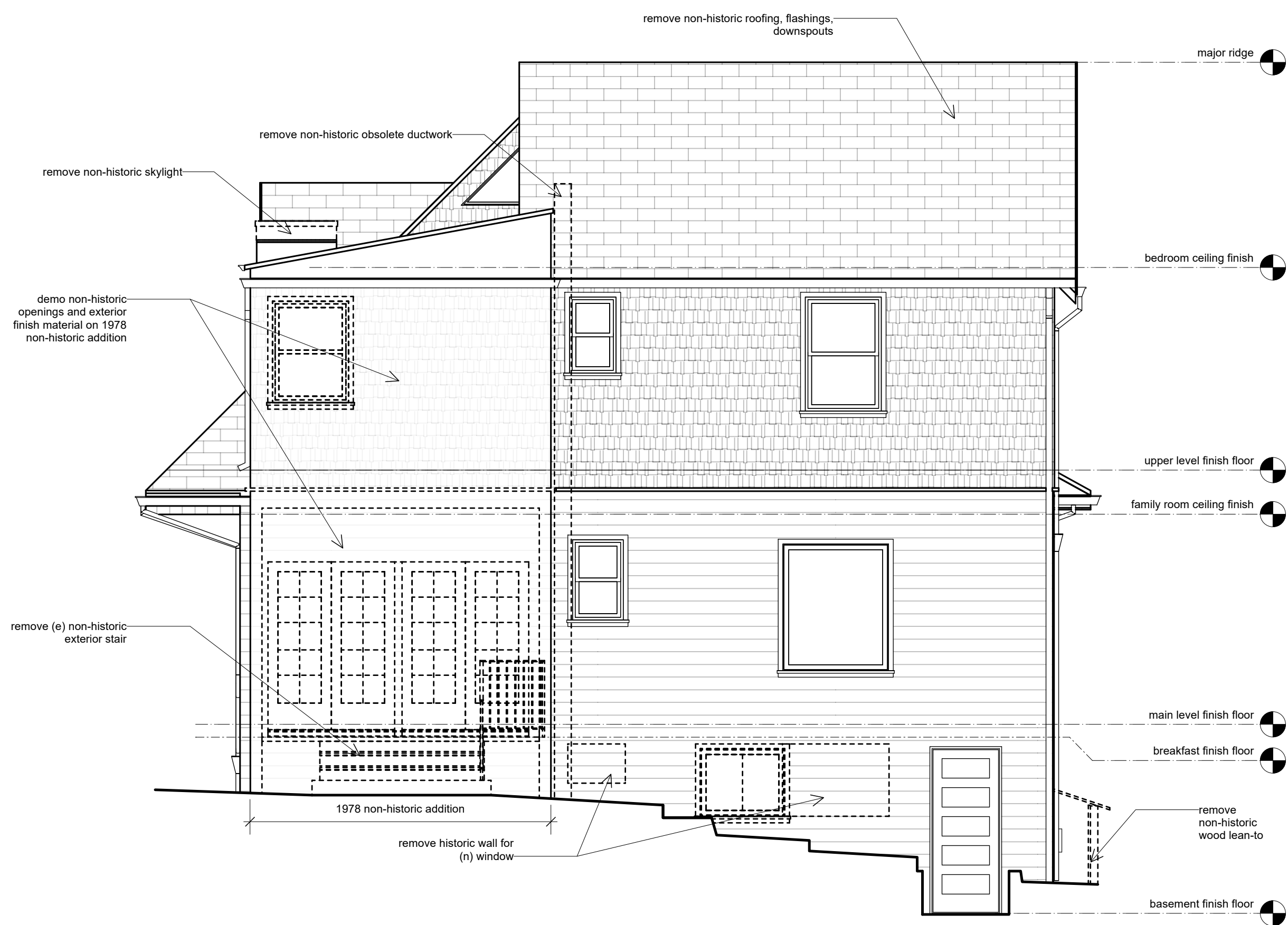
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|------|-----------|------------------------|-------|
|      | 10.5.2023 | Structural Alterations | KF/AJ |

DESCRIPTION  
EXISTING/ DEMO FLOOR PLANS

SCALE: 1/4" = 1'-0"

SHEET





4. DEMO/EXISTING NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



3. DEMO/EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"



2. DEMO/EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



1. DEMO/EXISTING EAST ELEVATION  
SCALE: 1/4" = 1'-0"

# FISCHER ARCHITECTURE

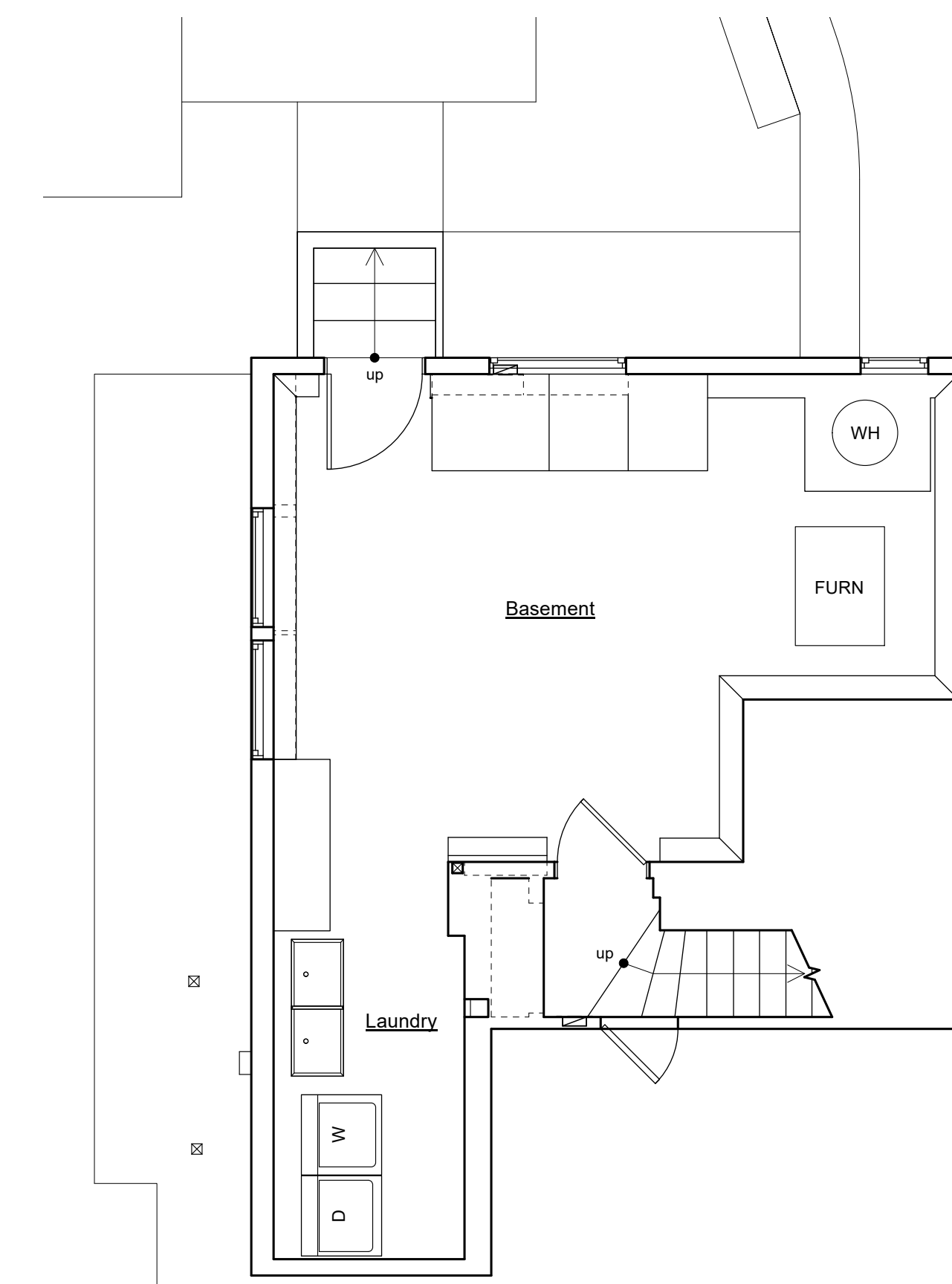
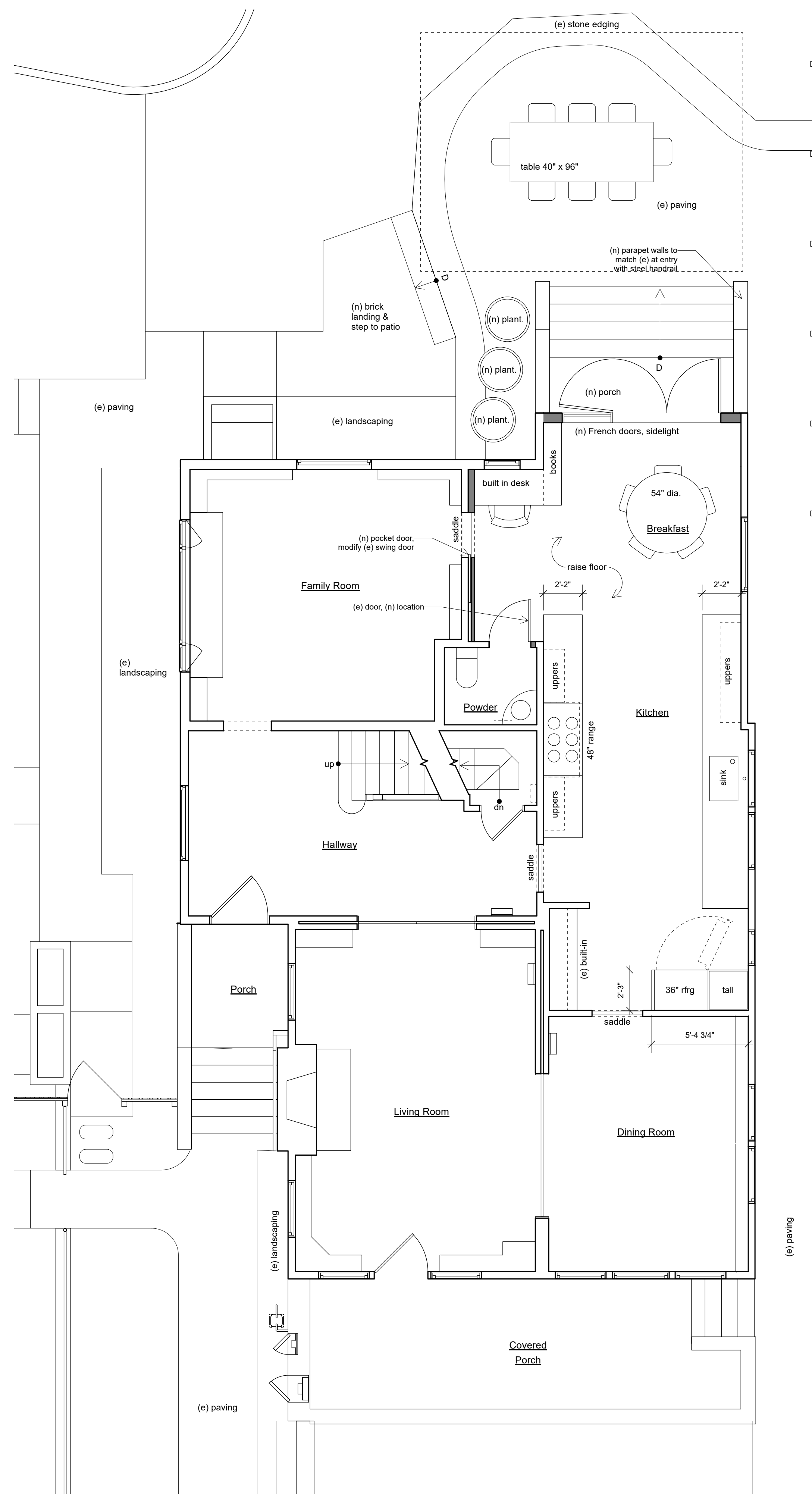
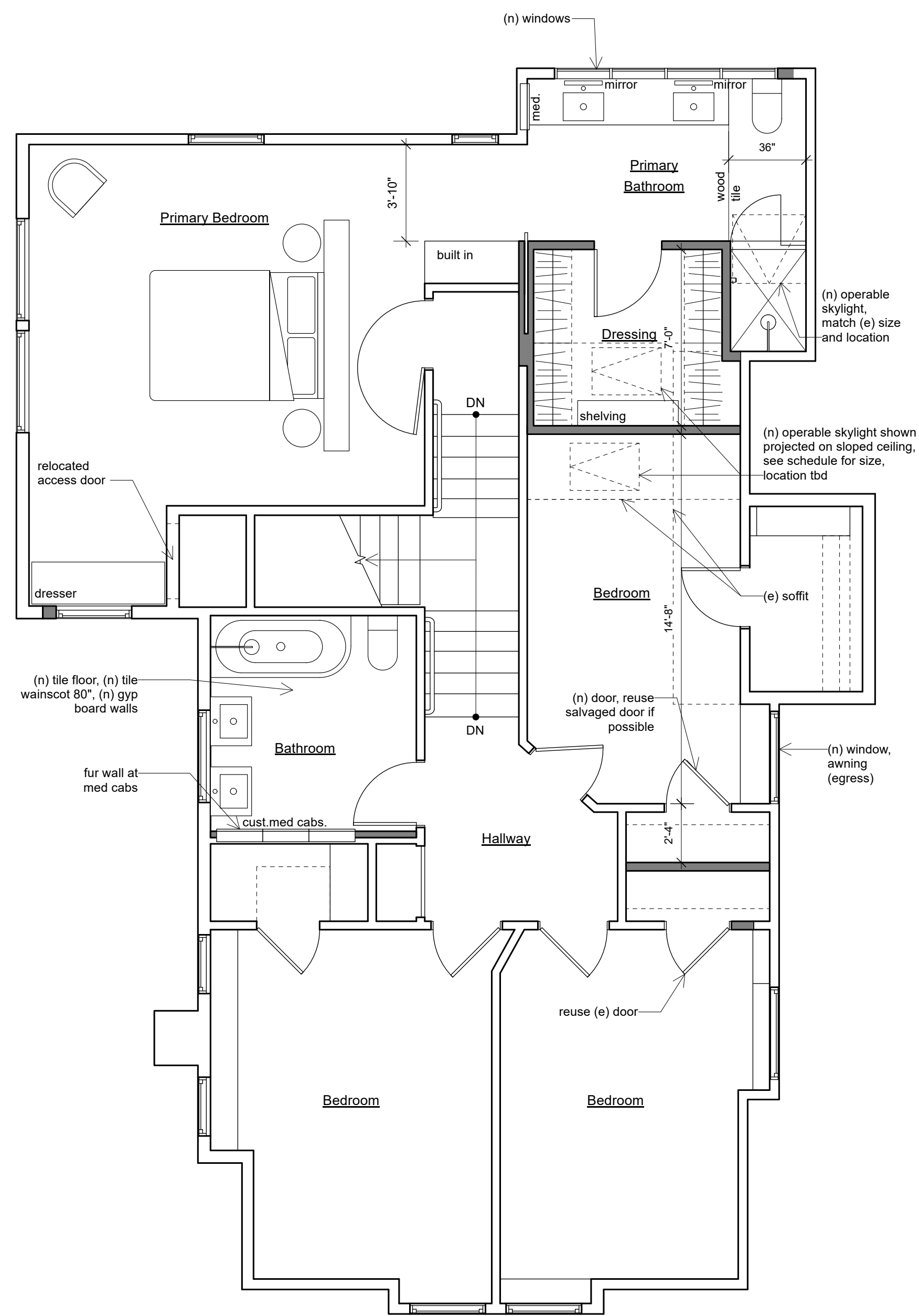
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DESCRIPTION  
DEMO/EXISTING ELEVATIONS

0 2 4 8  
SCALE: 1/4" = 1'-0"  
SHEET



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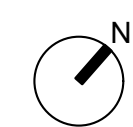
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APN: 061 258400300

| REV. | DATE      | ISSUE                  | DRWN. |
|------|-----------|------------------------|-------|
|      | 10.5.2023 | Structural Alterations | KF/AJ |

DESCRIPTION  
PROPOSED FLOOR PLANS

0 2 4 8  
SCALE: 1/4" = 1'-0"

SHEET







4. PROPOSED NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

**WINDOW NOTE:**  
Repair existing wood windows or, where irreparable, selectively replace with new wood windows to match existing including upper sash drops/ears at double hung windows. Paint (n) and (e) frames and sashes blue gray, similarly to color commonly seen in First Bay Tradition architecture

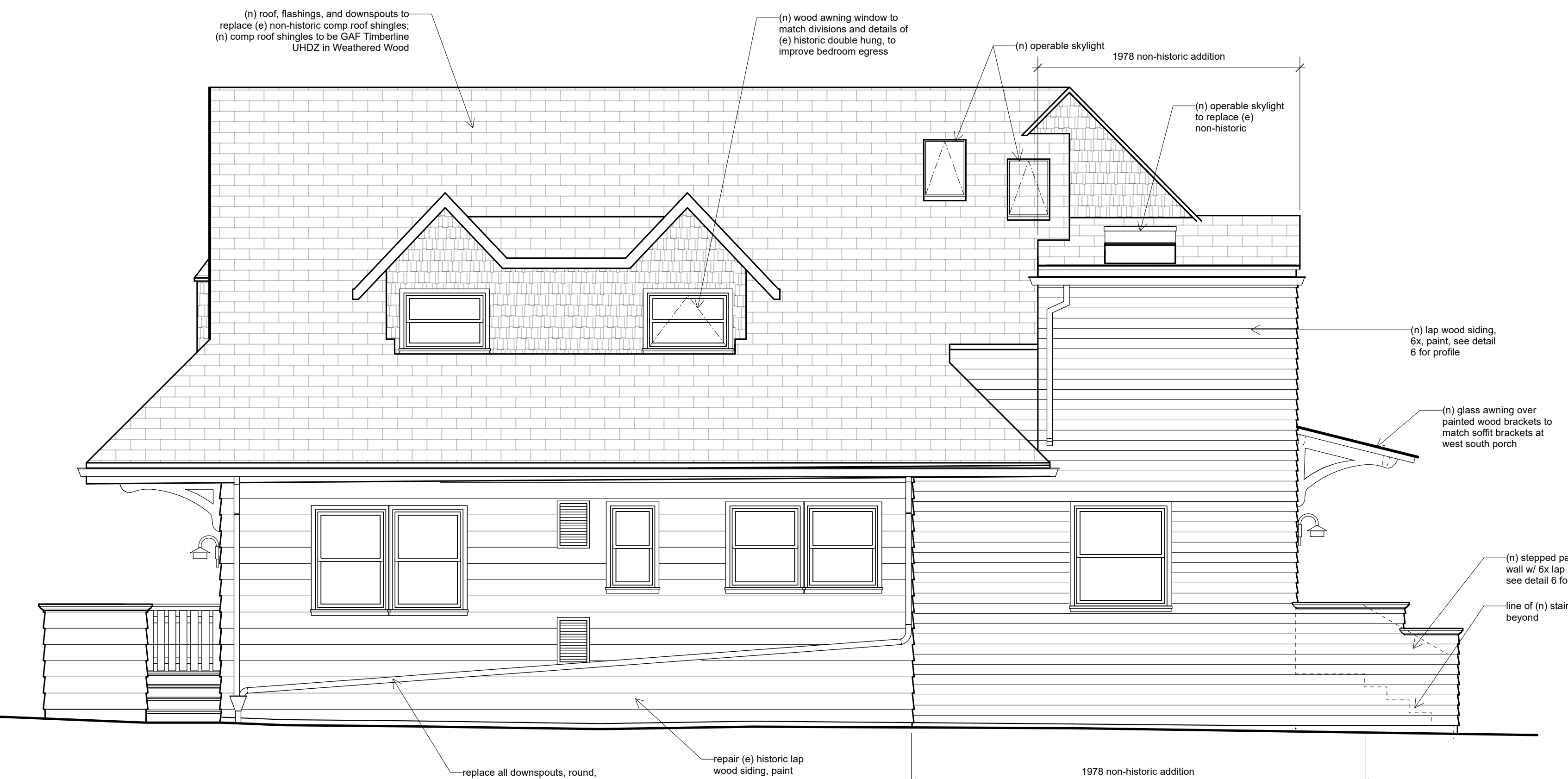
**LAP SIDING & WOOD TRIMS NOTE:**  
Repair existing where feasible, replace to match existing where irreparable, paint all weathered brown gray



3. PROPOSED WEST ELEVATION  
SCALE: 1/4" = 1'-0"



2. PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

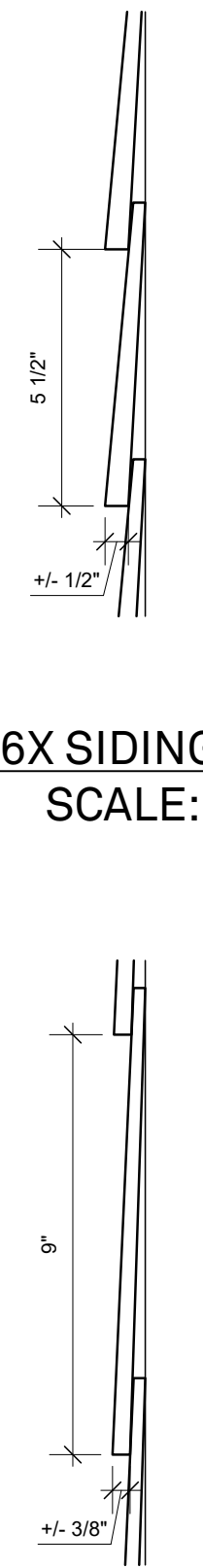


1. PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

**NOTES:**

- Additional information regarding composition shingle selection: in order to address the Mills Act work plan to provide new "composition roof shingles visually similar to original/early wood roof shingles, including ridgeline and hipline shingles," the selected comp. shingle product was chosen to provide for the serrated roof ridge and hip profile associated with wood shingle. Based on historic photos, the original roof was straight-cut wood shingles, not shakes, and which were first replaced with comp. shingles in 1958.
- Additional information regarding windows: all new double hung windows will be detailed to match the historic windows. They will have the same sash member dimensions, same casing detail, with lugs at the double hung condition. The new windows at the 1978 addition will be detailed similarly, but without lugs, as those are not double hung (see elevation 4). See elevations for dimensions for each opening.

6. PROPOSED 6X SIDING PROFILE  
SCALE: 3" = 1'-0"



5. EXISTING SIDING PROFILE  
SCALE: 3" = 1'-0"

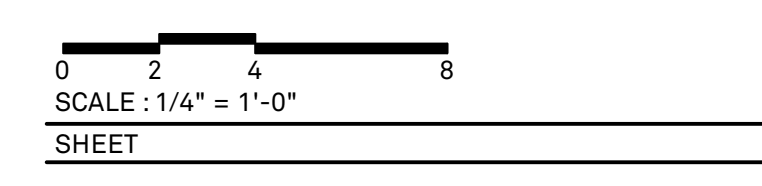
**FISCHER ARCHITECTURE**

tel 510.204.9250 | fischerarchitecture.com  
2984 San Pablo Ave, Berkeley, CA 94702

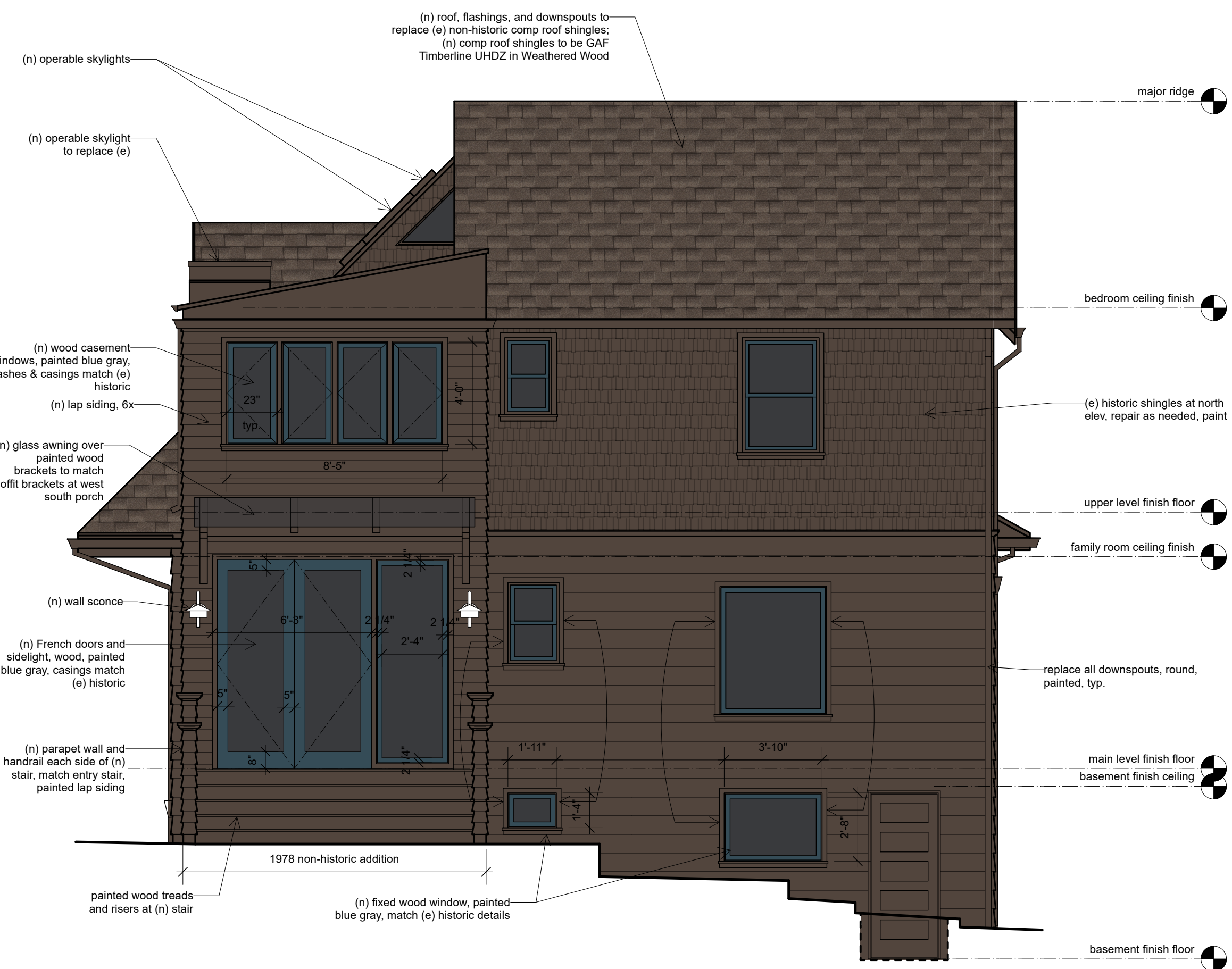
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|-----------|------|------------------------|-------|
| 10.5.2023 |      | Structural Alterations | KF/AJ |

DESCRIPTION  
PROPOSED ELEVATIONS







4. PROPOSED NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

**WINDOW NOTE:**  
Repair existing wood windows or, where irreparable, selectively replace with new wood windows to match existing including upper sash drops/ears at double hung windows. Paint (n) and (e) frames and sashes blue gray, similarly to color commonly seen in First Bay Tradition architecture

**LAP SIDING & WOOD TRIMS NOTE:**  
Repair existing where feasible, replace to match existing where irreparable, paint all weathered brown gray

- (n) double hung wood windows to align with (e) windows below, painted blue gray, window sashes & casings to match (e) historic details
- (n) glass awning over painted wood brackets to match soffits brackets at west south porch
- (n) lap siding where irreparable, match (e) historic, painted
- (n) stepped parapet wall w/ fix lap siding
- line of (n) stairs beyond
- (e) conc. patio
- (n) conc. step

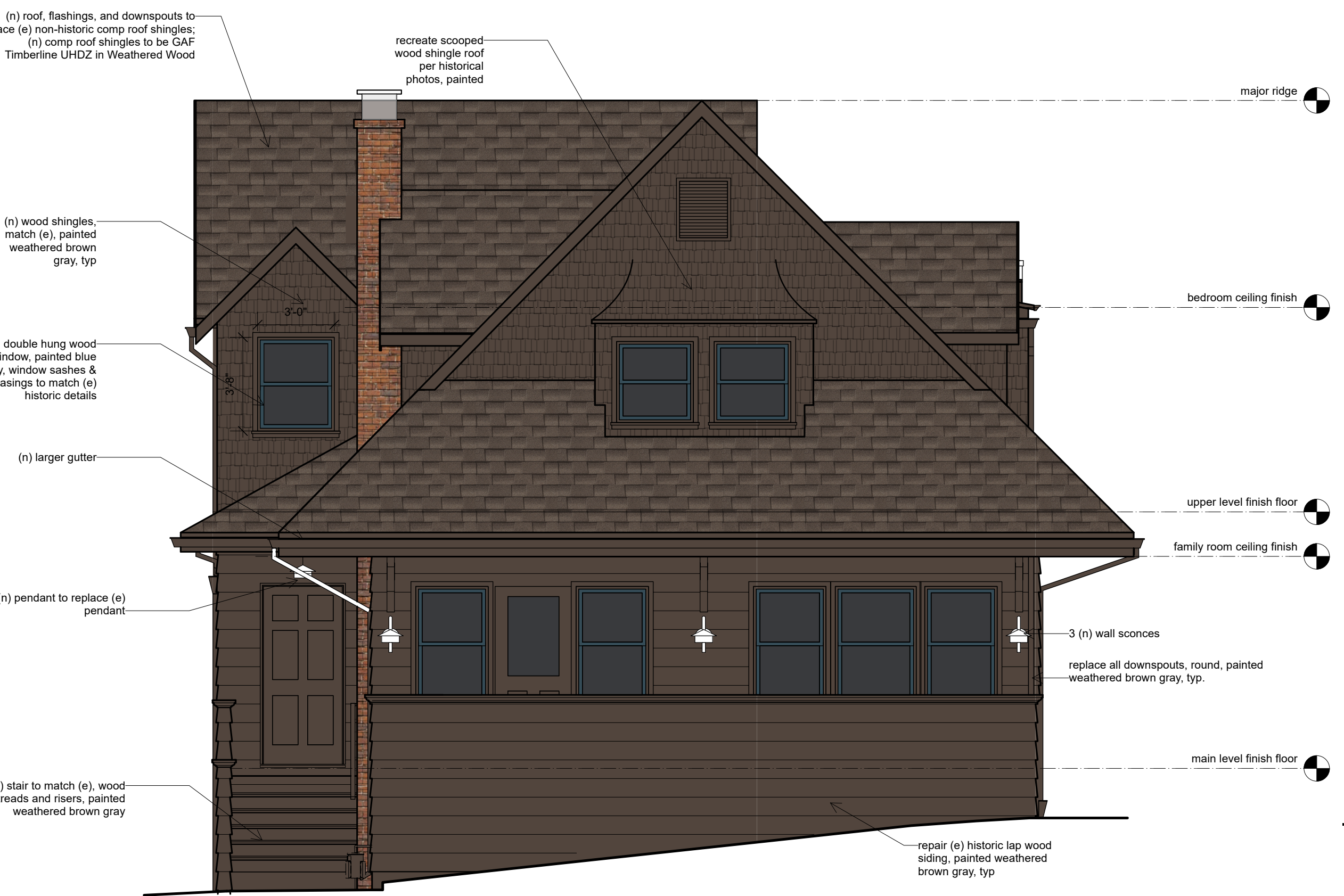
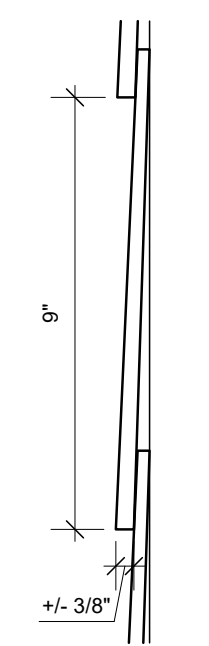
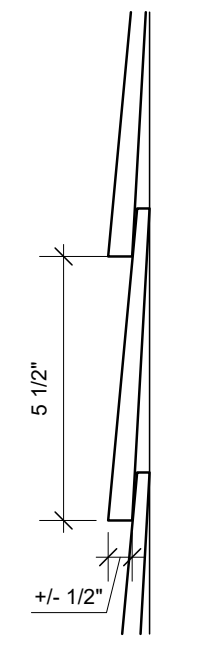


3. PROPOSED WEST ELEVATION  
SCALE: 1/4" = 1'-0"

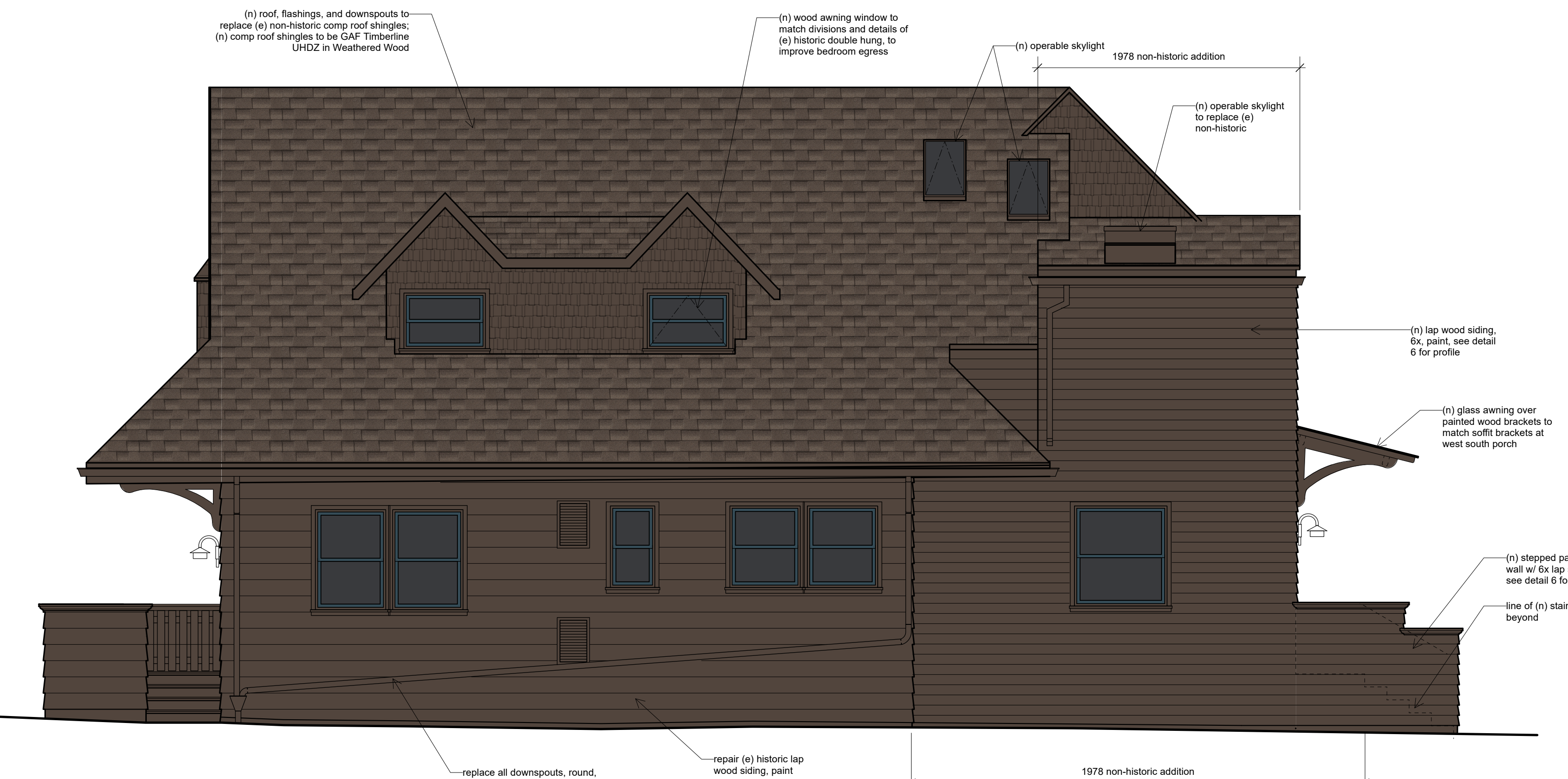
**NOTES:**

- Additional information regarding composition shingle selection: in order to address the Mills Act work plan to provide new "composition roof shingles visually similar to original/early wood roof shingles, including ridgeline and hipline shingles," the selected comp. shingle product was chosen to provide for the serrated roof ridge and hip profile associated with wood shingle. Based on historic photos, the original roof was straight-cut wood shingles, not shakes, and which were first replaced with comp. shingles in 1958.
- Additional information regarding windows: all new double hung windows will be detailed to match the historic windows. They will have the same sash member dimensions, same casing detail, with lugs at the double hung condition. The new windows at the 1978 addition will be detailed similarly, but without lugs, as those are not double hung (see elevation 4). See elevations for dimensions for each opening.

6. PROPOSED 6X SIDING PROFILE  
SCALE: 3" = 1'-0"



2. PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



1. PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

5. EXISTING SIDING PROFILE  
SCALE: 3" = 1'-0"

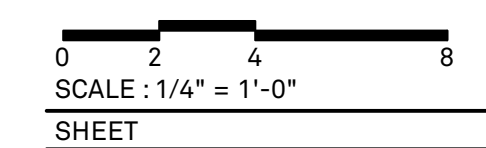
**FISCHER ARCHITECTURE**

tel 510.204.9250 | fischerarchitecture.com  
2984 San Pablo Ave, Berkeley, CA 94702

**RAY RESIDENCE**  
2119 Marin Ave  
Berkeley, CA 94707  
APN: 061 258400300

| REV.      | DATE      | ISSUE                  | DRWN. |
|-----------|-----------|------------------------|-------|
| 10.5.2023 | 10.5.2023 | Structural Alterations | KF/AJ |

DESCRIPTION  
PROPOSED ELEVATIONS - ILLUSTRATIVE





# 2119 Marin Ave - Paint options

10/5/23

## Window sashes + casings



Option 1

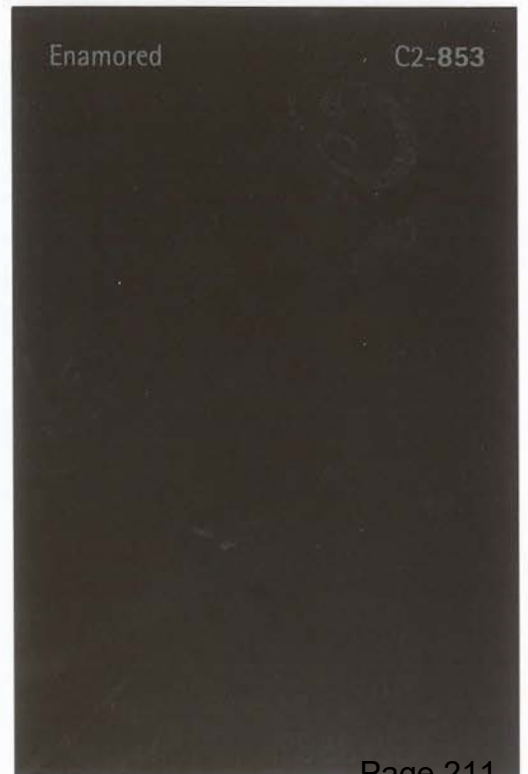


Option 2

## Wood siding



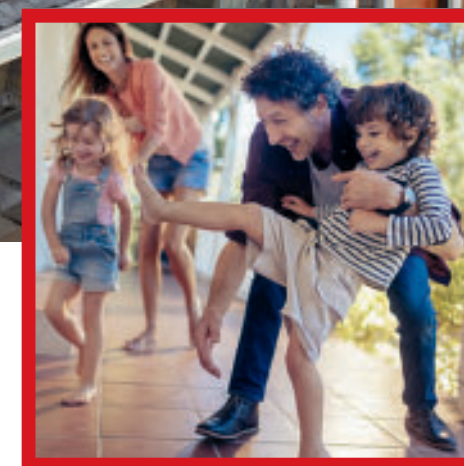
Option 1



Option 2



**GAF** Timberline® UHDZ™  
Ultra High Definition® Shingles



Millions of families have found shelter under a beautiful, durable, Timberline® roof. Now, Timberline® UHDZ™ shingles offer a combination of beauty and benefits that goes beyond any Timberline® shingles available before.







# Weathered Wood

The perfect neutral color, Weathered Wood complements a broad range of hues and works well with sage, cream, ivory, and beige.

Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.



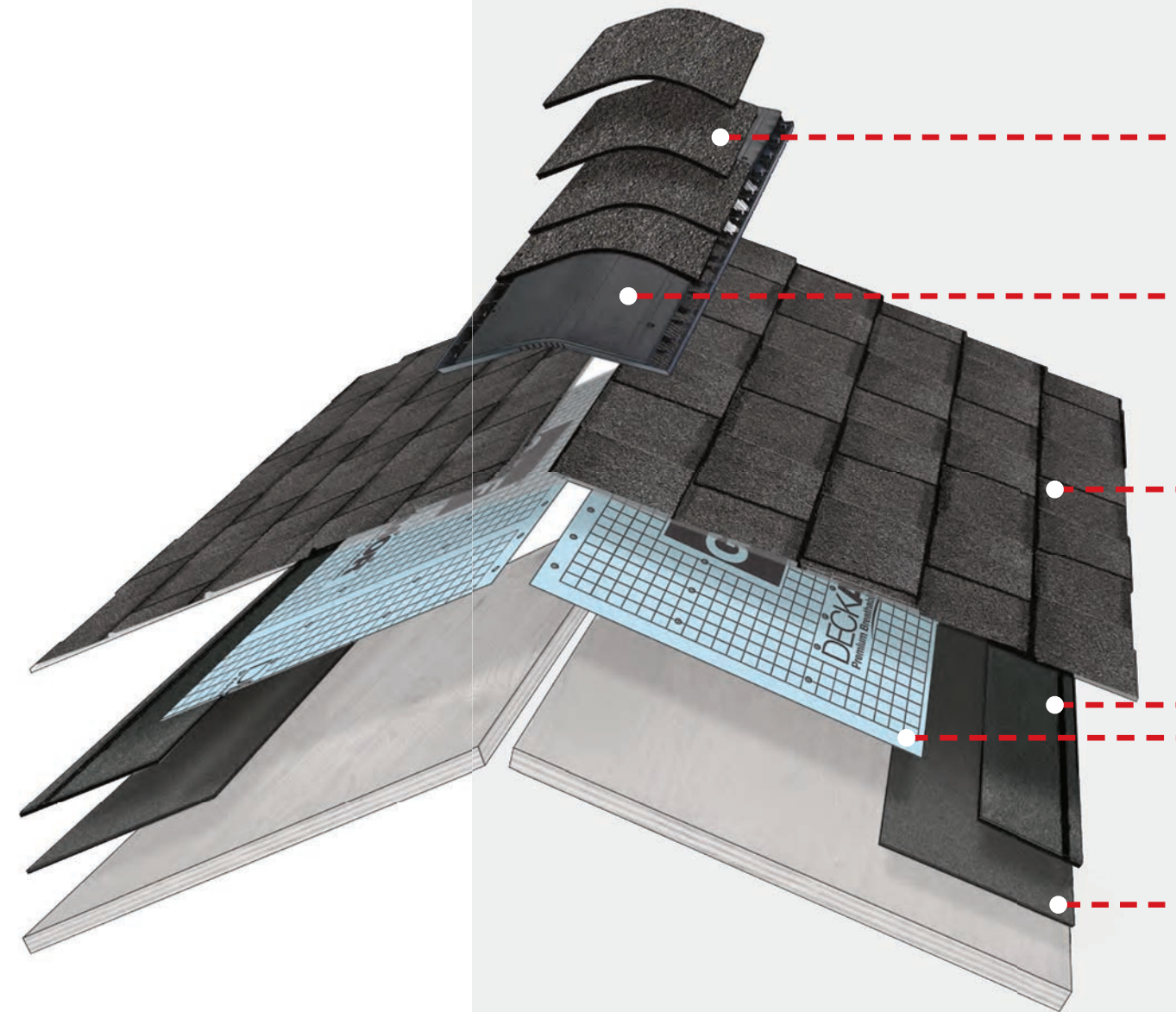
The GAF Lifetime<sup>†</sup> Roofing System

# It's a system, built to protect

A Timberline<sup>®</sup> UHDZ™ roof is so much more than shingles. It's layers of protection, working together to help keep your home safe from rain, snow, sun, and wind.

In fact, installing 4 qualifying GAF Accessories — GAF starter strips, roof deck protection, ridge cap shingles, and either leak barrier or attic ventilation — in one roof system makes Timberline<sup>®</sup> UHDZ™ Shingles eligible for the WindProven™ limited wind warranty.<sup>1</sup>

Visit [gaf.com/LRS](http://gaf.com/LRS) for qualifying GAF products.



**Ridge Cap Shingles**  
The finishing touch that helps defend against leaks at the hips and ridges



**Cobra<sup>®</sup> Attic Ventilation**  
Helps reduce attic moisture and heat



**Lifetime Shingles<sup>†</sup>**  
Beautify and protect for years to come



**Starter Strip Shingles**  
Helps guard against shingle blow-offs



**Roof Deck Protection**  
Helps shield the roof deck from moisture infiltration



**Leak Barrier**  
Helps prevent leaks caused by wind-driven rain and ice dams

Install any GAF Lifetime<sup>†</sup> Shingle and at least 3 qualifying GAF Accessories and get a Lifetime<sup>†</sup> limited warranty on your qualifying GAF products plus

non-prorated coverage for the first 10 years. For even stronger coverage, ask your GAF factory-certified contractor<sup>2</sup> about enhanced GAF warranties.



<sup>1</sup> Lifetime refers to the length of warranty coverage provided and means as long as the original individual owner(s) of a single-family detached residence [or eligible second owner(s)] owns the property where the qualifying GAF products are installed. For other owners/structures, Lifetime coverage is not applicable. Lifetime coverage on shingles requires the use of GAF Lifetime Shingles only. See the *GAF Shingle & Accessory Limited Warranty* for complete coverage and restrictions. Visit [gaf.com/LRS](http://gaf.com/LRS) for qualifying GAF products. Lifetime coverage on shingles and accessories requires the use of any GAF Lifetime Shingle and at least 3 qualifying GAF Accessories. See the *GAF Roofing System Limited Warranty* for complete coverage and restrictions. For installations not eligible for the *GAF Roofing System Limited Warranty*, see the *GAF Shingle & Accessory Limited Warranty*. Visit [gaf.com/LRS](http://gaf.com/LRS) for qualifying GAF products.

<sup>2</sup> Contractors enrolled in GAF certification programs are not employees or agents of GAF, and GAF does not control or otherwise supervise these independent businesses. Contractors may receive benefits, such as loyalty rewards points and discounts on marketing tools from GAF for participating in the program and offering GAF enhanced warranties, which require the use of a minimum amount of GAF products.

<sup>1</sup> 15-year WindProven™ limited wind warranty on Timberline<sup>®</sup> UHDZ™ Shingles requires the use of GAF starter strips, roof deck protection, ridge cap shingles, and leak barrier or attic ventilation. See *GAF Roofing System Limited Warranty* for complete coverage and restrictions. Visit [gaf.com/LRS](http://gaf.com/LRS) for qualifying GAF products. For installations not eligible for the WindProven™ limited wind warranty, see *GAF Shingle & Accessory Limited Warranty* for complete coverage and restrictions.



Outdoor lighting for gardens, walkways, and driveways

# Hanging Lamp

Model #HL-GL, HL-EN, HL-ES, HL-PL

UL Damp-Location Approved

The Hanging Lamps come in three sizes and are designed to hang under the eaves of a house, from an arbor, or in other overhead settings (even interior). A bronze escutcheon plate covers the ceiling junction box. The HL-ES and HL-EN have a standard porcelain socket with screw base while the HL-GL and HL-PL has a bayonet socket.

- 16" of hand-made chain of 1/4-inch bronze rod provided; additional chain available
- LED bulb supplied
- UL Damp-Location approved

Model #HL-GL: 110/120-volt OR 12-volt current

Model #HL-EN: 110/120-volt OR 12-volt current

Model #HL-ES: 110/120-volt OR 12-volt current

Model #HL-PL: 12-volt current

## Specifications: Solid Bronze Hanging Lamp

**Model #HL-GL**  
**Dimensions:** H 4-1/2" x W 8" x D 8"  
**Weight:** 5 lbs.

**Model #HL-EN**  
**Dimensions:** H 7" x W 12" x D 12"  
**Weight:** 16-1/4 lbs.

**Model #HL-ES**  
**Dimensions:** H 8" x W 18" x D 18"  
**Weight:** 28 lbs.

**Model #HL-PL**  
**Dimensions:** H 4-5/8" x W 4-1/2" x D 4-1/2"  
**Weight:** 2-1/2 lbs.

### Full Products List

Like Share





Outdoor lighting for gardens, walkways, and driveways

Home Products About

# Sea Ranch Sconce

Model #SR-GL and Model #SR-EN

This handsome wall sconce provides good downlight and side light for entryways. For the SR-GL, our supplied 15w-120v or 12-volt LED bulbs provide good light for an 8-foot radius. For the SR-EN, our supplied 60-w 120v or 12-volt LED bulbs provides light for a 50-foot radius. These fixtures also accept low-voltage bulbs for low voltage installations. All mounting fasteners are provided.

## Specifications: Sea Ranch Sconce

**Model #SR-GL:**  
**Dimensions:** H 13" x " W 8" x D 11 1/2"  
**Weight:** 8 lbs

**Model #SR-EN:**  
**Dimension:** H 17" x W 12" x D 15 1/2"  
**Weight:** 15 lbs.

**Canopy (wallplate) diameter:** H 5.25" x D 1"

[Full Products List](#)

[Like](#) [Share](#)



**2119 Marin Ave**

Material Swatches Board

October 5, 2023



Reclaimed corrugated glass awning



GAF Timberline UHDZ composition asphalt shingle in Weathered Wood







Office of the City Manager

## INFORMATION CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: LPO NOD: 910 Indian Rock Avenue, #LMIN2023-0002

### INTRODUCTION

The attached Notice of Decision (NOD) for the Landmarks Designation is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.160, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

### CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has disapproved the request to designate the subject property as a City Landmark or Structure of Merit. This action is subject to a 15-day appeal period, which began on January 16, 2024.

### BACKGROUND

BMC/LPO Section 3.24.190 allows the Council to review any action of the Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the NOD. To do so, a Councilmember must move this Information Item to Action and then move to “certify” the decision. Such action must be taken within 15 days from the mailing of the NOD or by January 30, 2024. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set within 25 days pursuant to BMC/LPO Section 3.24.300. The Council must then rule on the designation within 30 days from the date that the public hearing is opened or the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

### LPC Hearing – Decision to Deny Designation Status

At the October 5, 2023 LPC meeting, the Commission members voted 6-1-0-1 to disapprove the request by petitioners to designate the single-family residence at 910 Indian Rock as a Structure of Merit. [Vote: Yes: Crandall, Enchill, Leuschner, Montgomery; Schwartz, Twu; No: Finacom; Abstain; none; Absent: Linvill (due to recusal)]. Those in favor of the action found that the structure was not worthy of designation status as an individual property or example of the residential work of Berkeley Master architect Walter H. Ratcliff, Jr. This finding was largely based on the lack of exceptional design quality in comparison to other Ratcliff works, and a request from the property owner to deny the petition because they intend to retain and expand the residence rather than demolishing it per a previous plan. Some of the petitioners also spoke during the hearing and encouraged the Commission to deny Landmark status as they no longer considered the property to be in danger of destruction.

### ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

### POSSIBLE FUTURE ACTION

The Council may choose to certify or appeal the decision to disapprove designation status, setting the matter for public hearing at a future date.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this designation action.

### CONTACT PERSON

Fatema Crane, Principal Planner/LPC Secretary, Planning and Development  
Department; 510-981-7413

Allison Riemer, AICP, Associate Planner, Planning and Development, 510-981-7433

### Attachments:

1: Notice of Decision – 910 Indian Rock Avenue, #LMIN2023-0002



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N

Notice of Decision

**DATE OF BOARD DECISION: November 2, 2023**

**DATE NOTICE MAILED: January 15, 2024**

**APPEAL PERIOD EXPIRATION: January 30, 2024**

**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): January 31, 2024<sup>1</sup>**

## 910 Indian Rock Avenue – Robert H. T. and Emma Lohse Marrenner House

**Landmark application #LMIN2023-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1916– APN 61-2579-10**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **DISAPPROVED** the Landmark/Structure of Merit designation petition.

- **Initiated by:** Verified Application of 83 Berkeley residents
- **Application Authors:** John Bernstein and Anthony Bruce, Berkeley Architectural Heritage Association

**ZONING DISTRICT:** Single Family-Residential (R-1) District, Hillside Overlay (H)

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt under the California Environmental Quality Act Guidelines, Section 15061(b)(4) for projects that are disapproved.

<sup>1</sup> Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMIN2023-0002  
910 Indian Rock Avenue  
Mailed: January 15, 2024  
Page 2 of 4

**The application materials for this project is available online at:**

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or  
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

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**FINDINGS FOR DENIAL AND APPLICATION ARE ATTACHED TO THIS NOTICE**

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**COMMISSION VOTE: 6-1-0-1** *(note: one vacancy)*

**YES:** CRANDALL, ENCHILL, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU

**NO:** FINACOM

**ABSTAIN:** NONE

**ABSENT:** LINVILL (recusal)

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
  - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$1,500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMIN2023-0002  
910 Indian Rock Avenue  
Mailed: January 15, 2024  
Page 3 of 4

- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structure of Merit designation will be final on the first business day following expiration of the appeal period.

#### **NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMIN2023-0002  
910 Indian Rock Avenue  
Mailed: January 15, 2024  
Page 4 of 4

C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**PUBLIC COMMENT:**

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3<sup>rd</sup> Fl., during regular business hours.

**ATTACHMENTS:**

- 1. Findings for Denial
- 2. Landmark Application



**ATTEST:** \_\_\_\_\_  
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Applicant:  
Property Owner:

Jeffrey Hart, 1811 Yosemite Road, Berkeley, CA 94707  
Jacqueline and Gregory Emerson, 910 Indian Rock Avenue,  
Berkeley, CA 94707

# Attachment 1, part 2

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## Findings for Denial

NOVEMBER 2, 2023

### **910 Indian Rock Avenue – Robert H.T. and Emma Lohse Marrenner House**

**Landmark application #LMIN2023-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1916 – APN 61-2579-10**

#### PROJECT/DESIGNATION DESCRIPTION

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City Landmark or Structure of Merit designation of the property at 910 Indian Rock Avenue, Robert H.T. and Emma Lohse Marrenner House.

#### CEQA FINDINGS

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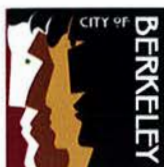
1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.4 of the CEQA Guidelines for projects that have been disapproved.

#### LANDMARK PRESERVATION ORDINANCE FINDINGS

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2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.150, the Landmarks Preservation Commission finds that the site is not worthy of designation, and therefore disapproves the request to grant City Landmark or Structure of Merit (SOM) status to the subject property.





Planning and Development Department  
Land Use Planning Division

**City of Berkeley**  
**Ordinance #4694 N.S.**  
**LANDMARK APPLICATION**

---

**THE ROBERT H.T. and EMMA LOHSE MARRENNER HOUSE**  
**910 Indian Rock Avenue**  
**Northbrae**  
**Berkeley, California**





1. **Street Address:** 910 Indian Rock Avenue  
**County:** Alameda      **City:** Berkeley      **Zip:** 94707
  
2. **Assessor's Parcel Number:** 061-2579-010  
**Dimensions:** Irregular, 9446 +/- sq. ft.  
**Cross Streets:** Oxford Road, San Diego Road
  
3. **Is property on the State Historic Resource Inventory?** No  
**Is property on the Berkeley Urban Conservation Survey?** Yes  
**Form #:** 30599
  
4. **Application for Landmark Includes:**
  - a. **Building(s):** Yes    **Garden:** No    **Other Features:** No
  - b. **Landscape or Open Space:** No
  - c. **Historic Site:** No
  - d. **District:** No
  - e. **Other:**
  
5. **Historic Names:** Robert and Emma Marrenner House  
**Common Name:** Don and Peggy Craig's House
  
6. **Date of Construction:** 1916      **Factual:** Yes  
**Source of Information:** Building Permit; Urban Conservation Survey
  
7. **Designer:** Walter H. Ratcliff, Jr.
  
8. **Builder:** Leland S. Lewis
  
9. **Style:** Shingle Style
  
10. **Original Owners:** Emma and Robert Marrenner  
**Original Use:** Single-family residence
  
11. **Present Owner:** Greg and Jacqueline Emerson  
910 Indian Rock Avenue, Berkeley, California 94707
  
12. **Present Use:** Residential  
**Current Zoning:** R-1H      **Adjacent Property Zoning:** R-1H

**13. Present Condition of Property:**

**Exterior:** Good      **Interior:** Good      **Grounds:** Good

**Has the property's exterior been altered?**

Stylistically appropriate outbuilding added in 1922

**14. Description**

**Overall Description:**

**910 Indian Rock Avenue** is a two-story over basement rectangular-plan single family dwelling clad in wooden shingles and capped with a compound roof. The shingle siding as well as the many multi-light windows (over thirty in all) appear in excellent condition. The house sits somewhat removed from the street on a large lot which slopes downward away from the street. The rear façade, rising to a full three levels, continues the design motifs of the front facade. The primary roof type is a side hip, with cross gable sections at the outer corners, as well as an eyebrow dormer at center and a gable dormer on the rear facade. The freestanding garage is rectangular plan with a hip roof. The buildings appear to be in good condition.

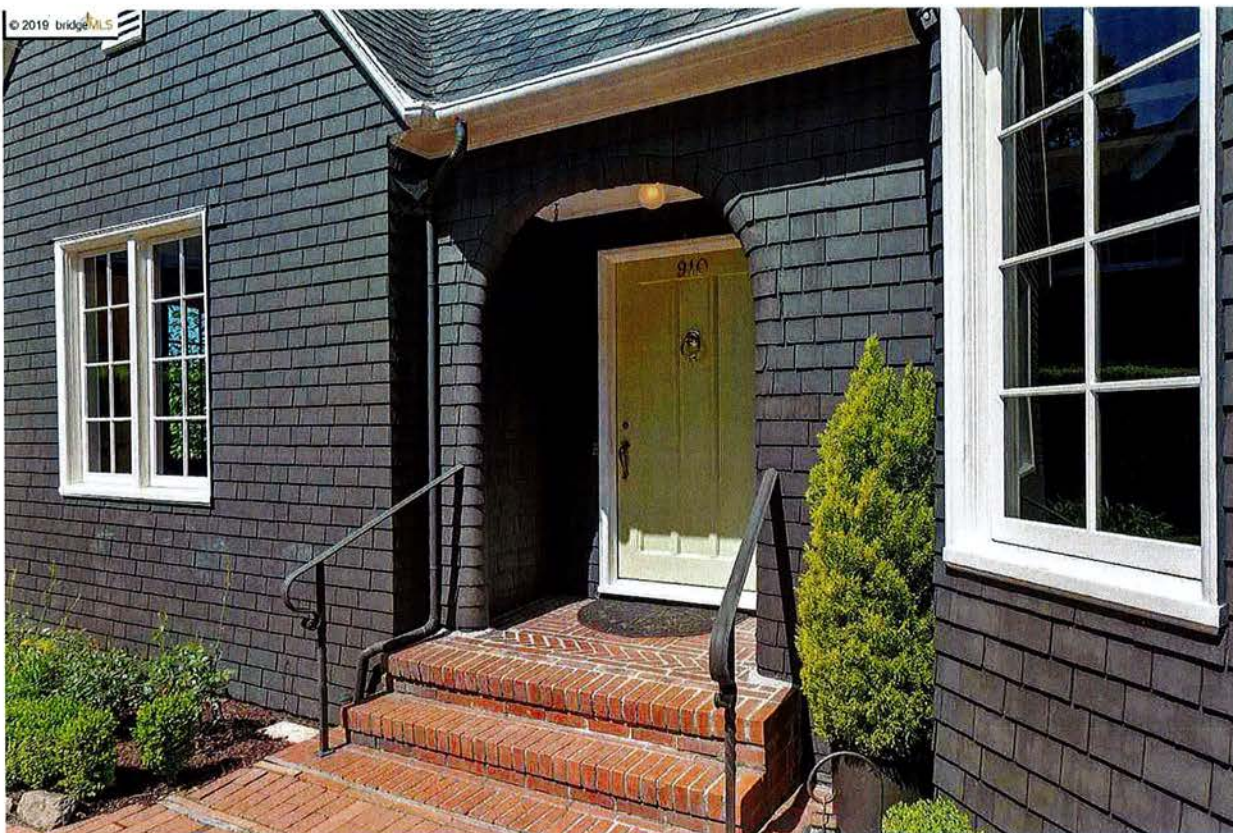
The large lot slopes steeply to the rear of the house, creating a full 3-story façade toward the rear.

Adjacent to 910 Indian Rock is Mortar Rock Park, the most significant pre-contact tribal site in the City of Berkeley. Various authorities have suggested that the large lot at 910 Indian Rock may be the site of important Native American artifacts.

**Front (Southwest) Elevation**

The dignified primary entrance, facing onto Indian Rock Avenue is located on the primary facade left of center within an arched, shingled recess. The entrance features a heavy wooden door with an unusual design of three vertical panels. The façade is subtly asymmetric. To the right of the entrance is a canted bay window (serving a dining room) capped with a hip roof. The front facet of the bay features two wood sash multi-light casement windows, while the side facets feature single casement windows of the same style. The outer corners of the primary facade feature multi-light wood sash double casement windows. Above these windows, there are vents situated in twin gable peaks. The unusually wide eyebrow dormer, centered on the second story, features four wood sash multi-light casement windows. The relatively low front elevation, artfully echoing other houses in the neighborhood, effectively conceals the large size of the residence toward the rear.

[Detail photo of front elevation on following page]



*Detail of Front Elevation and Entrance (all photos except as noted: [www.realtor.com](http://www.realtor.com))*

### **Side Elevations (Southeast and Northwest)**

The side elevations of the Marrenner House continue the motifs of the front façade, with brown-shingle siding and multi-light banks of casement windows. Typically for houses of this period and style, the side elevations are dominated by the roofs of the prominent front façade gables and slope down close to the ground to minimize the mass of the house from this aspect.

### **Rear Elevation (Northeast)**

The grand rear elevation, with a full three stories and nineteen multi-light windows, reveals the size of the Marrenner House. It continues the brown-shingle theme, and shows a sophisticated attention to detail for a rear elevation, bringing over key motifs from the front façade including a large, two-story bay window looking out over the rear lot, a wide, modified eyebrow dormer with a partial hipped roof, and a version of a Palladian window to the northeast. A door allows access to a walk-in basement level. The entire elevation appears original.

[Photograph on following page]





*Rear Elevation, incorporating key design elements from front facade*

## **Interior**

The elaborate and high-style interior of the public rooms on the first floor is finished extensively in old-growth redwood frame-and-panel work which has never been painted. Floors are straight-grained white oak and both the living room and dining room feature heavy redwood cornice moldings. Ceilings are distinguished by heavy redwood beams. The living room features an impressive fireplace front with wood paneling reaching to the ceiling and large bolection moldings. The panel above the fireplace is composed of highly-figured wood and the mantel is supported by two classical consoles, a feature typical of Ratcliff interiors.

[Interior photographs on following pages]





*Entranceway and Dining Room*



*Detail of Dining Room, Built-in Cabinets, and Bay Window*





*Detail of Living Room and Fireplace Front*

### **Features to be Preserved**

The Marrenner House retains a very high degree of integrity and fidelity to the original design, both internally and externally. Therefore the following should be preserved:

- Shingled elevations, especially front façade visible to public
- Multi-light casement windows
- Arched entryway and paneled front door
- Bay window
- Gables and multi-sloped roofs

## **15. History**

### **The Northbrae Development**

The Marrenner House was constructed in the last of the five planned stages of the Mason-McDuffie Company's Northbrae (the first section opened in 1907). Berkeley Square—the planned site for the new state capitol in a failed bid to move the capitol to Berkeley— opened in April 1910. Somewhat before 1906 the Mason-McDuffie Company had purchased several hundred acres in the North Berkeley Hills for the overall Northbrae project. This comprised

nearly all of Lot 88 of the 1854 Kellerberger subdivision of the Peralta land-grant known as the *Rancho San Antonio*, as well as some additional acreage to the north. Certain boundaries of the Northbrae tract still reflect ancient lot lines, including those of the “Domingo Peralta Reservation,” which was made up of lands reserved to his own use by the Peralta heir Domingo Peralta after the original subdivision.

Mason-McDuffie was known for excellent planning and employed recognized experts to lay out their projects. A note attached to the Mason-McDuffie papers (Bancroft Library) states:

” Between 1905 and 1917, the [Mason-McDuffie] company built three of the Bay Area's most beautiful residential developments: Claremont (Oakland) [sic], **Northbrae (Berkeley)** and St. Francis Wood (San Francisco). Duncan McDuffie insisted that only the best architects and landscape designers work on the residence parks, which became noted for their harmonious blending of man-made and natural environments. This reflected McDuffie's insistence that the natural contours of the land be maintained, and that gardens be planted in each of the company's developments.

Locally and nationally recognized architects were retained to work on Mason-McDuffie developments. Olmsted Brothers of Massachusetts designed the street plans for St. Francis Wood and for Park Hills, a 1930s development in the Berkeley hills; **John Galen Howard designed the fountains in Northbrae and Walter Ratcliff was responsible for the design of some of the homes in that development. . .**”



*Early photo of “Public Improvements” (The Fountain, Marin Circle), Northbrae Indian Rock Avenue is shown at the right. Photo: Anthony Bruce Collection*

A 1916 building permit fixes the date of construction of the Marrenner House. The cost was \$4000 and the builder was Leland S. Lewis. Unusually, a detailed 20-page set of specifications



has survived for this house in the files of the Berkeley Architectural Heritage Association (BAHA). It specifies such important details as the use of “kiln-dried old-growth redwood lumber” for the extensive first-floor paneling.

### **The Shingle Style**

The classic work on the Shingle Style, Vincent Scully’s *The Shingle Style and the Stick Style* (Yale University Press) enumerates several characteristics of the style:

- **Wood shingle skin:** Shingles, generally brown, wrap the house, undulating over oriels, corners, and eyebrow windows.
- **Asymmetry** is evident, with cross gables and roof sections of different pitch, wings, turrets, bays and oriels.
- **Cottage air:** Often originating among summer homes along the Northeast coast and San Francisco Bay. Regardless of how large or detailed, these houses have a certain informality and connection to the outdoors.

As such, the Shingle Style corresponded closely with the “design with Nature” teachings of Charles Keeler and other early 20<sup>th</sup>-century theorists and was widely used during that period in the East Bay.

### **The Marrenner House and the Shingle Style**

The Marrenner House exemplifies all the salient characteristics of the Shingle Style. Though large in size, it deliberately assumes a “cottage-like air”. Wrapped in brown shingles, it displays large gables, eyebrow windows, and roofs of varying pitches. It carefully disposes these details in an asymmetric overall design.

### **Later History of the Marrenner House**

After commissioning the house from Ratcliff, Robert and Emma Marrenner lived at 910 Indian Rock for 34 years, selling to Robert Ashby in 1950 after Robert Marrenner’s death. In 1959, Don and Peggy Craig, well-known realtors in Northbrae, bought the house. The Craigs lived at 910 for sixty years until around 2019, when they sold to the present owners.

There have been no significant modifications to the house since its original construction.

### **16. Significance**

The Marrenner House is significant as a classic, well-designed example of a house in the California Brown-Shingle Style. Embodying all the key aspects of that style, as described in detail above, it stands out for the sophistication of its design by a celebrated Berkeley architect, Walter Ratcliff.



The significance of the Marenner house is supported by a formal historic review submitted to the City in 2022, performed by Kelley Consultants, a well-known historic preservation and permitting firm. That review recommended designation of the Marenner House as a **Structure of Merit**.

However, further research indicates that the Marenner House is eligible for Landmark status and for listing on the State Inventory of Historic Sites under Historic Criteria 2, 3, and possibly 4.

- **Criterion 2. The building is significant and eligible for City of Berkeley Landmark designation** for its association with an important Bay Area architect of the early 20th century, Walter H. Ratcliff, Jr. It is an excellent example of Ratcliff’s middle period work. An immigrant from England, Ratcliff studied architecture at the University of California, and served as Berkeley City Architect from 1914–1920. Later, Ratcliff was Chief Architect at Mills College, completing the Master Plan for the nationally significant Mills campus. Ratcliff designed many gracious and livable residences and impressive public buildings during his career that lasted more than forty years. As Berkeley City Architect, he designed four firehouses for the City. At the same time, he designed the Claire Tappaan Lodge, a rural retreat, for the Sierra Club. Ratcliff, along with several others, urged the creation of the Berkeley City Arts Commission, which promulgated one of the first attempts in the nation to plan and zone an entire city. Additional research has determined that the Marrenner family, which commissioned the house, was intimately involved with the early growth of California and the City of Berkeley. Both sides of the family were among the early emigrants to California and Robert Marrenner served for decades as a high official in the Union Pacific Railroad.

- **Criterion 3. The building is eligible for City of Berkeley Landmark designation** for its architectural significance. It is significant as an early and excellent mid-sized example of the important brown-shingle style, incorporating all the classic elements enumerated by Vincent Scully in the standard work on the subject, *The Stick Style and the Shingle Style*. As such, it also corresponds with the naturalistic design principles of the Berkeley Hills, as articulated by Keeler and others. The house shows typical sophisticated Ratcliff details, including double gables, large bay windows, asymmetric elements, and judicious siting on its lot. The entranceway includes high-style molded shingles over an impressive archway. The interior is notable for extensive redwood frame-and-panel finishes, as well as an impressive bolection-molded fireplace front.

- **Criterion 4.** The site has **high potential archeological value** for its location only 30 feet from the most significant archeological and Native American site in the City of Berkeley, Mortar Rock Park. There is a high likelihood of artifact recovery or destruction should any excavation for new foundations be undertaken.

**17. Historic Value:** State Yes County Yes City Yes Neighborhood Yes

**Architectural Value:** State Yes County Yes City Yes Neighborhood Yes

**18. Is the property endangered:** Yes

**19. Bibliography**

Berkeley Assessment Records, The Bancroft Library  
Berkeley and Oakland Directories. Berkeley Architectural Heritage Association  
Block Files, Berkeley Architectural Heritage Association  
Bruce, Anthony. Walter H. Ratcliff, Jr., Architect: His Berkeley Work.  
Berkeley Architectural Heritage Association. 2006  
Cappelletti, Fran. The Berkeley Marrenners. Berkeley Architectural Heritage Association, 2023  
Carnall and Eyre, Map of Berkeley, California, 1880  
“Kellersberger’s Map of the Rancho San Antonio”, 1854. David Rumsey Map Collection.  
“Map of Berkeley showing the property of the Berkeley L.T.I. Association”, 1874, The Bancroft Library  
Mason-McDuffie Co. Plat of “Northbrae Properties”, c.1910.  
[https://northbraehistory.com/images/northbrae\\_properties\\_1909\\_thumb.jpeg](https://northbraehistory.com/images/northbrae_properties_1909_thumb.jpeg)  
Mason-McDuffie Papers, The Bancroft Library  
Nelson, Marie. Surveys for Local Governments – A Context for Best Practices of Historic Preservation,  
2005. [https://ohp.parks.ca.gov/?page\\_id=23317](https://ohp.parks.ca.gov/?page_id=23317)  
Ormsby Donogh Real Estate Files. Berkeley Architectural Heritage Association  
Permit Files, Berkeley Architectural Heritage Association  
Sanborn Fire Insurance Maps. Berkeley Architectural Heritage Association  
Scully, Vincent. The Stick Style and the Shingle Style, 1971. Yale University Press

**20. Recorder:** John Bernstein and Anthony Bruce for the Berkeley Architectural Heritage Association, 2023

## **Communications – January 30, 2024**

*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.*

### **Supportive Housing**

1. David Lerman

### **Stop Sign Added**

2. Theo Posselt

### **Tibetan Flag Ceremony**

3. Tenzin Tsering, on behalf of the Tibetan Association of Northern California (2)

### **Lack of Berkeley Businesses**

4. Marnie Hatch

### **Berkeley Police Matters**

5. Tenzin Jimenez

### **Residential Parking Permits**

6. Ian Goodman

### **American Democracy**

7. Vivian Warkentin

### **San Francisco Bay Ferry**

8. Lauren Gularte, on behalf of Water Transit

### **Reparations**

9. Aden Ishii

### **Port of Oakland**

10. Danny Wan, on behalf of Port of Oakland

### **Brown Act**

11. Jonathan Weissglass
12. Juan Carlo

### **Chronicle**

13. Marc Sapir

### **Councilmember Robinson**

14. Toni Mester

**URL's Only**

15. Vivian Warkentin (3)

**People's Park**

16. Jack Kurzweil  
17. Sylvia  
18. Jill Polsby  
19. Moni Law (2)  
20. Joty Dhaliwal  
21. Summer Brenner (2)  
22. Max Ventura  
23. Arthur Stopes  
24. Justin Lee  
25. Leslie Firestone  
26. Richard Crago  
27. Sky Ocean  
28. Owen Martin Zuidema

**Gaza and Israel**

29. Jack Kurzweil (3)  
30. Linda and Stanley Wulf  
31. Sandy Slauson  
32. Karen Davis  
33. Jane White  
34. Stephanie Thomas  
35. Cynthia Moore  
36. Michael Weber (2)  
37. Sally Nelson  
38. Gael Alcock  
39. Summer Brenner (2)  
40. Mary Ann Gallagher  
41. Jocelyn Goldsmith  
42. Stephanie Allan  
43. Barbara Erickson (2)  
44. Jamie Cooney  
45. Esha Potharaju  
46. Summer Brenner  
47. Diana Bohn  
48. Dahlia Frydman  
49. Elinor Tamari  
50. Michael Kaye  
51. Mincers.shroud.0k@  
52. Noga Alon  
53. Deborah Green  
54. June Safran  
55. Barbara Schick

- 56. Elana Auerbach
- 57. Esther Brass-Chorin
- 58. Allen Mayer
- 59. Dorit Dorenz
- 60. Doreet Stein
- 61. Robert Bonem
- 62. Peggy Scott
- 63. 5 similarly-worded form letters

**Benado, Tony**

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**From:** david lerman <415justice@att.net>  
**Sent:** Tuesday, January 9, 2024 1:57 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Gerstein, Beth  
**Subject:** Affordable & Supportive Housing at Colusa, Thousand Oaks & Peralta  
**Attachments:** Colusa, Thousand Oaks & Peralta Triangle.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley:

The of Berkeley continues to have a serious need for more affordable and supportive housing.

The Northern edge of Berkeley has been left out of this type of exciting development, which is taking place in many other sections of Berkeley. The Northern edge of Berkeley remains a very low density area that needs improvement. A screenshot of the location is attached.

The intersections of Colusa, Thousand Oaks & Peralta have an underused triangle of land. This would be an ideal location for construction of a high density affordable and supportive housing project. If the city were to exercise eminent domain to add one or two adjacent properties we could build hundreds of affordable and supportive housing units at this ideal location.

Residents would have easy access to shopping at both the Colusa Circle and Solano Avenue, and can walk, bike and ride the bus to nearby BART stations. This area is on an AC transit bus line.

The city should explore options for construction of an affordable and supportive housing project at the intersections of Colusa, Thousand Oaks, and Peralta in North Berkeley.

The big, wide, and underused street intersections and public space at this location should be reconfigured to bring more housing to the Northern edge of our community.

Warm regards,

David Lerman  
Berkeley

google.com/maps/@37.8965936,-122.2852641,3a,75y,290.4h,79.3t/data=!3m1!1e1!3m4!1sL06n329CeG411AC:DgG1A12e07116384IR18192?entry=ttu





**Benado, Tony**

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**From:** Theo Posselt <[tposselt.sf@gmail.com](mailto:tposselt.sf@gmail.com)>  
**Sent:** Tuesday, January 9, 2024 4:31 PM  
**To:** All Council; Mostowfi, Hamid; McWhorter, Laurie; Bellow, LaTanya; Garland, Liam  
**Subject:** Re: Virginia / Oxford intersection

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Council (and I think especially Kate and Susan) and staff - in an incredibly emotional day with Rigel's retirement, I wanted to recognize that we now have a stop sign at Virginia and Shattuck. Thanks to everyone for this, I think it will be a real safety improvement for both pedestrians and bikers. Getting it done in this amount of time is pleasantly fast!

Regards,  
Theo

On Sun, Jul 16, 2023 at 9:22 AM Theo Posselt <[tposselt.sf@gmail.com](mailto:tposselt.sf@gmail.com)> wrote:  
Council -

A quick note...

I was really dismayed to read about a serious accident at Virginia and Oxford last week:

<https://www.berkeleyscanner.com/2023/07/12/traffic-safety/berkeley-crash-motorcycle-rider-critical-1-arrested/>

I don't know the particulars of this incident beyond what's reported here, but I use this intersection a lot, and find it pretty risky. The north-south traffic on Oxford is fairly heavy and has no stop sign or light. Meanwhile Virginia is a bike boulevard east-west, there's a fair amount of pedestrian traffic trying to cross Oxford, and also a fair amount of car traffic on Virginia trying to turn onto Oxford (often making left turns either way). All of this means that I've seen a lot of near misses of cars from Virginia narrowly missing pedestrians.

It seems to me that some form of traffic calming would really help this. A stop sign on Oxford doesn't seem out of order!

thanks,  
Theo

**Thomsen, Rose**

---

**From:** General Secretary <gensec@tanc.org>  
**Sent:** Sunday, January 7, 2024 3:34 PM  
**To:** Berkeley Mayor's Office; All Council  
**Cc:** board; advisory@tanc.org  
**Subject:** Proclamation to mark the 65th Anniversary of Tibetan National Uprising and 28th Anniversary of the hoisting of Tibetan National flag on March 10, 2024  
**Attachments:** Proclamation 2024 - Berkeley.pages

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and esteemed Council Members,

We hope and trust that you are in the best of your health and spirit, and we wish you all the very best for 2024. We wanted to express our gratitude to you and your colleague council members, and the great people of Berkeley for your long and trusted support to the just cause of Tibet. One of the biggest testaments for this show of solidarity and support is this great tradition of hoisting the Tibetan National flag at the Berkeley City Hall for the last 27 years.

March 10<sup>th</sup>, 2024 marks the 65th Anniversary of the commemoration of the Tibetan uprising against the forceful and illegal invasion and occupation of Tibet by the Communist Party of China. To continue with the City's long standing support, on behalf of the Tibetan community here in Berkeley and the Bay Area, I kindly request you to approve and declare the proclamation as attached.

Tibetan people need everyone's attention and support as the Communist Party of China intensifies its grip on Tibet and, more specifically, its serious contravention of the Tibetan people's right to religious and cultural freedoms.

Our program on March 10<sup>th</sup>, 2024 will start at 8.30AM with Tibetan Flag hoisting ceremony by the honorable Mayor, guest speeches, protest songs, and slogans by our students and community members and supporters. The program is expected to last for an hour.

Thank you, and looking forward to your positive response.

Sincerely,

Tenzin Tsering

*General Secretary*

*Tibetan Association of Northern California*

*5200 Dalai Lama Ave #200*

*Richmond, CA 94804*

*[www.tanc.org](http://www.tanc.org)*

## Benado, Tony

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**From:** General Secretary <gensec@tanc.org>  
**Sent:** Wednesday, January 10, 2024 4:59 PM  
**To:** City Clerk; Berkeley Mayor's Office; All Council  
**Cc:** board; advisory@tanc.org  
**Subject:** Re: Proclamation to mark the 65th Anniversary of Tibetan National Uprising and 28th Anniversary of the hoisting of Tibetan National flag on March 10, 2024  
**Attachments:** Proclamation 2024 - Berkeley.pdf

Good evening Rose,

Thank you for your email. Attached please find the PDF version of the same document. Please don't hesitate to contact me if you have any issues with the file.

Sincerely,  
Tenzin Tsering  
General Secretary  
Tibetan Association of Northern California  
5200 Dalai Lama Ave #200  
Richmond, CA 94804  
[www.tanc.org](http://www.tanc.org)

On Mon, Jan 8, 2024 at 9:16 AM City Clerk <[clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)> wrote:

Hello Tenzin,

Thank you for contacting the City of Berkeley. Would it be possible for you to re-send the attachment in an alternate format? (MS Word, PDF, NotePad, or an Image File) The City Clerk Department is unable to open the current file with the .pages extension.

Thank you,

Rose

Rose Thomsen - Deputy City Clerk

City of Berkeley, City Clerk Department

(510) 981-6908 (Phone) - (510) 981-6901 (Fax)

Website: <https://berkeleyca.gov/>

Email: [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

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**From:** General Secretary <[gensec@tanc.org](mailto:gensec@tanc.org)>

**Sent:** Sunday, January 7, 2024 3:34 PM

**To:** Berkeley Mayor's Office <[Mayor@berkeleyca.gov](mailto:Mayor@berkeleyca.gov)>; All Council <[council@berkeleyca.gov](mailto:council@berkeleyca.gov)>

**Cc:** board <[board@tanc.org](mailto:board@tanc.org)>; [advisory@tanc.org](mailto:advisory@tanc.org)

**Subject:** Proclamation to mark the 65th Anniversary of Tibetan National Uprising and 28th Anniversary of the hoisting of Tibetan National flag on March 10, 2024

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and esteemed Council Members,

We hope and trust that you are in the best of your health and spirit, and we wish you all the very best for 2024. We wanted to express our gratitude to you and your colleague council members, and the great people of Berkeley for your long and trusted support to the just cause of Tibet. One of the biggest testaments for this show of solidarity and support is this great tradition of hoisting the Tibetan National flag at the Berkeley City Hall for the last 27 years.

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Our program on March 10<sup>th</sup>, 2024 will start at 8.30AM with Tibetan Flag hoisting ceremony by the honorable Mayor, guest speeches, protest songs, and slogans by our students and community members and supporters. The program is expected to last for an hour.

Thank you, and looking forward to your positive response.

Sincerely,

Tenzin Tsering

*General Secretary*

*Tibetan Association of Northern California*

5200 Dalai Lama Ave #200

Richmond, CA 94804

[www.tanc.org](http://www.tanc.org)

CITY OF BERKELEY, CALIFORNIA  
**PROCLAMATION**

**Declaring March 10, 2024 as Tibetan Uprising Day**

**WHEREAS**, on March 10, 2024, Tibetans throughout the world will gather to commemorate the 65th Anniversary of the Tibetan National Uprising against the brutal occupation of their country and pay tribute to the more than one million Tibetans who lost their lives in their struggle for the freedom of Tibet; and

**WHEREAS**, the occupation and ongoing suppression of human rights and freedom in Tibet and the intentional marginalization of Tibetan language, culture, and identity should continue to be a concern for all freedom-loving people everywhere; and

**WHEREAS**, in December, 2018, the United States Congress passed, and the President signed into law, the Reciprocal Access to Tibet Act, that called for an end to China's isolation of Tibet and providing American citizens, including Tibetan Americans in Richmond, with the same opportunity of access to Tibet as enjoyed by Chinese citizens visiting our country; and

**WHEREAS**, in December, 2020 the United States Congress passed, and the President signed into law, the Tibet Policy and Support Act, that makes it official US policy that the Dalai Lama's succession is a strictly religious issue that only he and his followers can decide on and strengthens the landmark Tibetan Policy Act of 2002, addresses the issue of water security and environmental destruction in Tibet, provides humanitarian assistance for Tibetans in Tibet and in exile, and pushes China to negotiate with the Dalai Lama and Tibetan leaders without preconditions; and

**WHEREAS**, in 2023 a bipartisan, bicameral legislation, Promoting a Resolution to the Tibet-China Conflict Act, has been introduced in the United States Congress to strengthen the United States' policy to promote dialogue between the People's Republic of China (PRC) and the Dalai Lama toward a peaceful resolution of the conflict between Tibet and the PRC; and

**WHEREAS**, the 2019 Country Reports on Human Rights Practices: China published by the US Department of State, on the subject of Tibet, asserts, "Significant human rights issues included: forced disappearances; torture; arbitrary detention; political prisoners; censorship and website blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; severe restrictions on freedom of movement; and restrictions on political participation.;" and

**WHEREAS**, the principle commitments of His Holiness the Dalai Lama are: promotion of warm-heartedness, compassion, forgiveness, tolerance, contentment, and self-discipline; religious harmony and understanding among the world's major religious traditions; preservation of the rich cultural heritage of Tibet; and the study of ancient Indian knowledge of understanding and training of mind; and

**WHEREAS**, in 1989 His Holiness the Dalai Lama received the Nobel Peace Prize in recognition of his longstanding commitment to nonviolence, peace, and willingness to compromise and seek reconciliation despite China's brutal occupation of Tibet; and

**WHEREAS**, in 2007, His Holiness the Dalai Lama was conferred the US Congressional Gold Medal, one of the highest civilian awards, in recognition of his contribution to Tibet and humanity; and

**WHEREAS**, the City of Richmond is home to a vibrant community of Tibetan Americans who have contributed to the diversity of our culture and tradition and is the location of the Tibetan Association of Northern California's community center, serving the third largest Tibetan community in United States; and

**WHEREAS**, the City of Richmond has long supported the Tibetan people, having welcomed His Holiness the Dalai Lama when he visited the Tibetan community center in 2014 and renaming a part of Huntington Avenue to Dalai Lama Avenue in honor of his 84th birthday; and

**WHEREAS**, the City of Richmond stands in solidarity with the Tibetan people and their just, peaceful, and non-violent movement to remind the world of the occupation, suppression, and degradation of culture, religion, land, and identity of the Tibetan people by China; and

**WHEREAS**, on March 9, 2024 at 10:30 a.m., community members will gather at the steps of Richmond City Hall to raise the Tibetan flag for a week and commemorate the 65th anniversary of the Tibetan National Uprising against the Chinese Communist Party's invasion and occupation.

**NOW, THEREFORE BE IT RESOLVED**, that I, Mayor Jesse Arreguin, and the Berkeley City Council do hereby declare March 10, 2024 as **Tibetan Uprising Day** in the City of Berkeley.



**Thomsen, Rose**

---

**From:** Marnie Hatch <marnie.hatch@yahoo.com>  
**Sent:** Thursday, January 4, 2024 6:22 PM  
**To:** All Council  
**Subject:** Lack of Berkeley businesses

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good day-

I have been a resident of District 1 for over 40 years, currently living near Sacramento and Berkeley Way. I've been increasingly concerned about the dearth of new businesses in Berkeley. So many new buildings have been approved for housing, which we certainly need, but the vibrant street scenes promised by the developers never materialize.

There are vast swathes of Shattuck, University, and San Pablo with nothing but empty storefronts. It's like walking through ghost towns. Some of these buildings have been there for many years. Sometimes a small business will move in, only to be forced to close when it is the only one and no traffic is attracted to that area.

Has thought been given to requiring developers to include some business plans? Perhaps a requirement to lease to a certain amount of local businesses, or provide more affordable leases for small businesses. I know Amazon has drastically cut into the retail market, but Berkeley does still love its cafes and restaurants.

A lot of thought is put into the housing plans, including a certain amount of low-income units and mitigation fees. Is the same thought being put into the street level storefronts?

Thank you very much for your time.

Marnie Hatch

Sent from Yahoo Mail on Android

**Thomsen, Rose**

---

**From:** Tenzin Jimenez <tenzin.jimenez@berkeley.edu>  
**Sent:** Thursday, January 4, 2024 7:25 PM  
**To:** City Clerk  
**Subject:** Thank you!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am currently a student at UC Berkeley and have considered buying a house in the area, in fact, I just went on a house tour on Tamalpais Rd today. Today however, I came across a video of unjustified police brutality that is being promoted by my University and the city. I'm deeply disturbed while witnessing an older white woman, who looks clean and wealthy, since it matters to the city if people have money or not, get slammed to the concrete by a Berkeley Police Department officer, while another officer kneeled on the necks and backs of children a little over half my age. This is traumatizing to witness. I can't find any other words to express how this affects my heart. I'm not sure I will ever feel safe knowing that the people who are meant to protect me can be unleashed like rabid dogs at a moment's notice. I was attacked by a loose pitbull when we were younger, so I see the similarities.

Please do something restorative and reparative about this or I can find a different UC to attend and my soon to be wife and I will find a different city to live in.

Tenzin Jimenez

**Thomsen, Rose**

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**From:** Ian Goodman <iangoodman@aol.com>  
**Sent:** Monday, January 8, 2024 4:00 PM  
**To:** Residential Parking Permit Program  
**Cc:** All Council  
**Subject:** RE: FY 2024 permits paid for listed as expired

Hello,

I purchased FY2024 renewal permits for both a residential permit and visitor permits. FY2024 is not over. All 15 visitor permits should be available and working.

The visitor permits that I purchased in May 2023 along with the FY2024 residential permit are labeled on my receipt as visitor passes for FY2024. I did not make the mistake here. Someone at your office failed to apply this correctly.

I politely informed you of the mistake. Please take the time to review the receipts on my account and correct the errors.

If we are going to use digital only parking permits, this system has to work.

Ian

---

**From:** Residential Parking Permit Program <RPP@berkeleyca.gov>  
**Sent:** Monday, January 8, 2024 10:20 AM  
**To:** Ian Goodman <iangoodman@aol.com>  
**Subject:** RE: FY 2024 permits paid for listed as expired

Good morning, Ian.

You purchased 15 Visitor passes on May 8<sup>th</sup>, 2023 that expired on July 1<sup>st</sup>, 2023. Unfortunately, Visitor Passes are **not** transferrable to a new calendar year and a refund will **not** be issued for the unused permits.

For future reference, please use any purchases parking permits before the expiration date.

Best,

---

**From:** Ian Goodman <iangoodman@aol.com>  
**Sent:** Thursday, December 28, 2023 1:43 PM  
**To:** Residential Parking Permit Program <RPP@berkeleyca.gov>  
**Cc:** Krista Bray <kristaavrilbray@gmail.com>  
**Subject:** FW: FY 2024 permits paid for listed as expired

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

On May 8, 2023, I made a payment of \$81 for an Annual Residential Zone D parking permit renewal and 15 1-day visitor passes.

I attempted to use a visitor pass today and it is listed as "Status Expired," but also says that 15 passes are available, 0 passes are Active, and 0 passes are Expired. I have a printed receipt from the date of purchase that shows 15 permits were purchased. I checked the online payment history it shows that the payment made in 2023 towards FY 2024 was mistakenly applied to FY 2023 (July 1, 2022 – July 1, 2023).

Please update the system so these 15 1-day passes can be used.

Residential Permit Number:

XAPEJRX4

Visitor Pass Permit Number:

U2QSTKRQ

Thank you,

Ian Goodman



Virus-free [www.avast.com](http://www.avast.com)

**Benado, Tony**

---

**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Tuesday, January 9, 2024 5:01 PM  
**To:** All Council  
**Subject:** Fwd: MCM on the destruction of American democracy (and what we need to do to bring it back)

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Begin forwarded message:

**From:** Mark Crispin Miller <markcrispinmiller@substack.com>  
**Subject:** MCM on the destruction of American democracy (and what we need to do to bring it back)  
**Date:** January 9, 2024 at 11:29:45 AM PST  
**To:** vivwark@sbcglobal.net  
**Reply-To:** Mark Crispin Miller  
 <reply+2bnwfy&25zh70&&8c4cae67744b6616394acebde6f264a82c7d063a5632cdf5980d48b3b31ad16a@mg1.substack.com>

Forwarded this email? [Subscribe here](#) for more

# MCM on the destruction of American democracy (and what we need to do to bring it back)

I talked to Patrick Henningsen about this all-important problem, and the use of "Trump" as a distraction from the forces working full-time to delude and disempower us

MARK CRISPIN MILLER

JAN 9



READ IN APP

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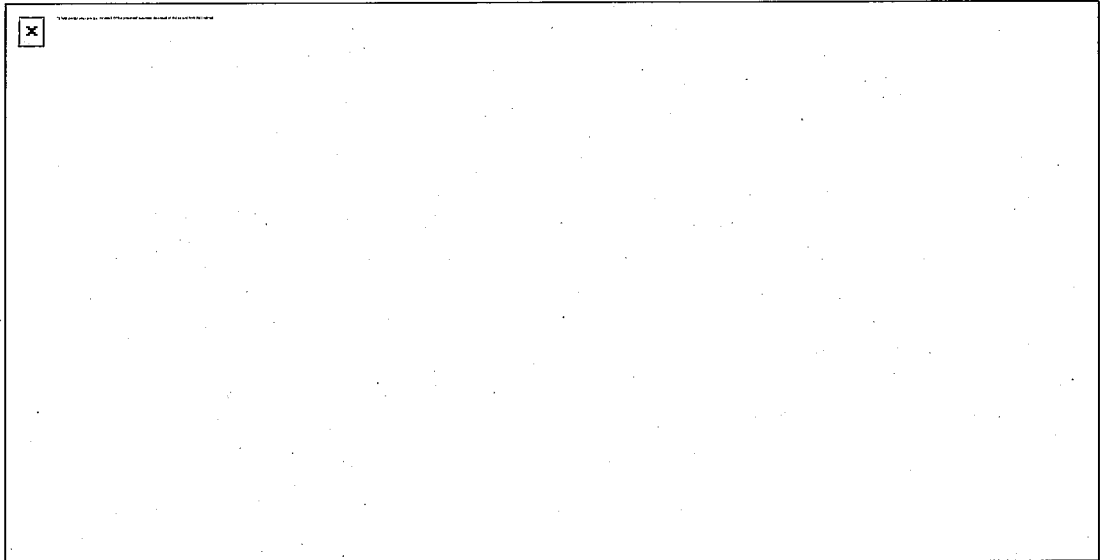
**Click on either of these links:**

<https://ntradio.live/shows/patrick-henningsen-show/>

<https://www.podbean.com/ep/pb-g48vw-1545176>

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## **A 12-Step Program to Save US Democracy**

February 8, 2008

January 30, 2008

### **1. Repeal the Help America Vote Act (HAVA).**

*This step will inevitably follow an in-depth investigation of how HAVA came to be.*

### **2. Replace all electronic voting with hand-counted paper ballots (HCPB).**

*Although politicians and the press dismiss this idea as utopian, the people would support it just as overwhelmingly as national health care, strong environmental measures, US withdrawal from Iraq, and other sane ideas.*

### **3. Get rid of computerized voter rolls.**

*It isn't just the e-voting machines that are obstructing our self-government. According to USA Today, thousands of Americans have had their names mysteriously purged from the electronic databases now used nationwide as records of our registration.*

### **4. Keep all private vendors out of our elections.**

*With their commercial interests, trade secrets and unaccountable proceedings, private companies should have no role in the essential process of republican self-government.*

### **5. Make it illegal for the TV networks to declare who won before the vote-count is complete.**

*Certainly the corporate press will scream about its First Amendment Rights, but they don't have the right to interfere with our elections. When they declare a winner when we don't yet even know if the election was legitimate, they delegitimize all audits, recounts and even first counts of the vote as the mere desperate measures of "sore losers."*

### **6. Set up an exit polling system, publicly supported, to keep the vote-counts honest.**

*Only in America are exit poll results not meant to help us gauge the accuracy of the official count. Here they are meant only to allow the media to make its calls.*

### **7. Get rid of voter registration rules, by allowing every citizen to register, at any post office, on his/her 18th birthday.**

*Either we believe in universal suffrage or we don't.*

### **8. Ban all state requirements for state-issued ID's at the polls.**



*As the Supreme Court smiles on such Jim Crow devices, which have served to disenfranchise countless would-be voters, we must forbid their use, unless they can (somehow) be equitably provided.*

**9. Put all polling places under video surveillance, to spot voter fraud, monitor election personnel, and track the turnout.**

*We're under surveillance everywhere else, so why not?*

**10. Have Election Day declared a federal holiday, requiring all employers to allow their workers time to vote.**

*No citizens of the United States should ever lose the right to vote because they have to go to work.*

**11. Make it illegal for Secretaries of State to co-chair political campaigns (or otherwise assist or favor them).**

*Katherine Harris wore both those hats in Florida in 2000, and, four years later, so did Ken Blackwell in Ohio and Jan Brewer in Arizona. Such Republicans should not have been allowed to do it, nor should any Democrats.*

**12. Make election fraud a major felony, with life imprisonment—and disenfranchisement—for all repeat offenders.**

*"Three strikes and you're out" would certainly befit so serious a crime against democracy.*

<https://www.scoop.co.nz/stories/HL0802/S00083/a-12-step-program-to-save-us-democracy.htm>

**Two more steps that seem advisable since 2008 (and especially 2020):**

**1. Put an end to early voting.**

*With an Election Day enabling every voter to participate, regardless of his/her job, there will be no need for early voting, which only makes it harder to assess the national turnout on that day.*

**2. There should be no more national use of mail-in ballots.**

*That practice also makes it harder to gauge turnout, while making exit polls impossible, and otherwise providing further opportunities for fraud. Thus mail-in ballots should be used only in such states as Oregon, whose residents voted for that option years ago, and where—by and large—it has been managed honestly.*

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|                          |                          |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|



**Benado, Tony**

---

**From:** Lauren Gularte <gularte@watertransit.org>  
**Sent:** Wednesday, January 10, 2024 4:23 PM  
**To:** All Council  
**Cc:** Terence Candell  
**Subject:** RE: Pls join us: January 25 from 1-3 pm State of SF Bay Ferry reception onboard ferry

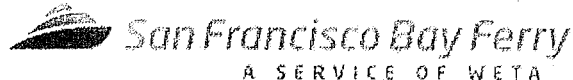
**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

We hope that you can make it to this event. To ensure space is available, please RSVP by Monday 1/15.

Thank you,

Lauren Gularte  
 Government & Regulatory Affairs Manager

San Francisco Bay Ferry / Water Emergency Transportation Authority  
 Pier 9, Suite 111, The Embarcadero  
 San Francisco, CA 94111  
[gularte@watertransit.org](mailto:gularte@watertransit.org)  
 (510) 910-6833 cell



**From:** Lauren Gularte  
**Sent:** Monday, December 18, 2023 2:43 PM  
**To:** council@berkeleyca.gov  
**Subject:** Pls join us: January 25 from 1-3 pm State of SF Bay Ferry reception onboard ferry

Mayor Arreguin and Councilmembers,

Please join San Francisco Bay Ferry leadership on **Thursday, January 25**, from **1 PM to 3 PM** in **San Francisco** for the inaugural **STATE OF SF BAY FERRY reception**. SF Bay Ferry Executive Director Seamus Murphy will provide an update on progress made to develop a world-class ferry system here in the Bay Area including an overview of advancing our commitment to transition at least 50% of our vessel fleet to zero emissions by 2035. Members of the WETA Board of Directors and elected officials will be on board. Refreshments will be available. The event will be onboard a moving ferry leaving from the Downtown San Francisco Ferry Terminal (just south of the Ferry Building at Embarcadero and Market Street) and returning to the same location by 3PM. Additional details on which gate the vessel will depart from will be sent out as we get closer to the date.

We hope you can join us. Please reply to the email to RSVP.

Additionally, our latest newsletter is below.

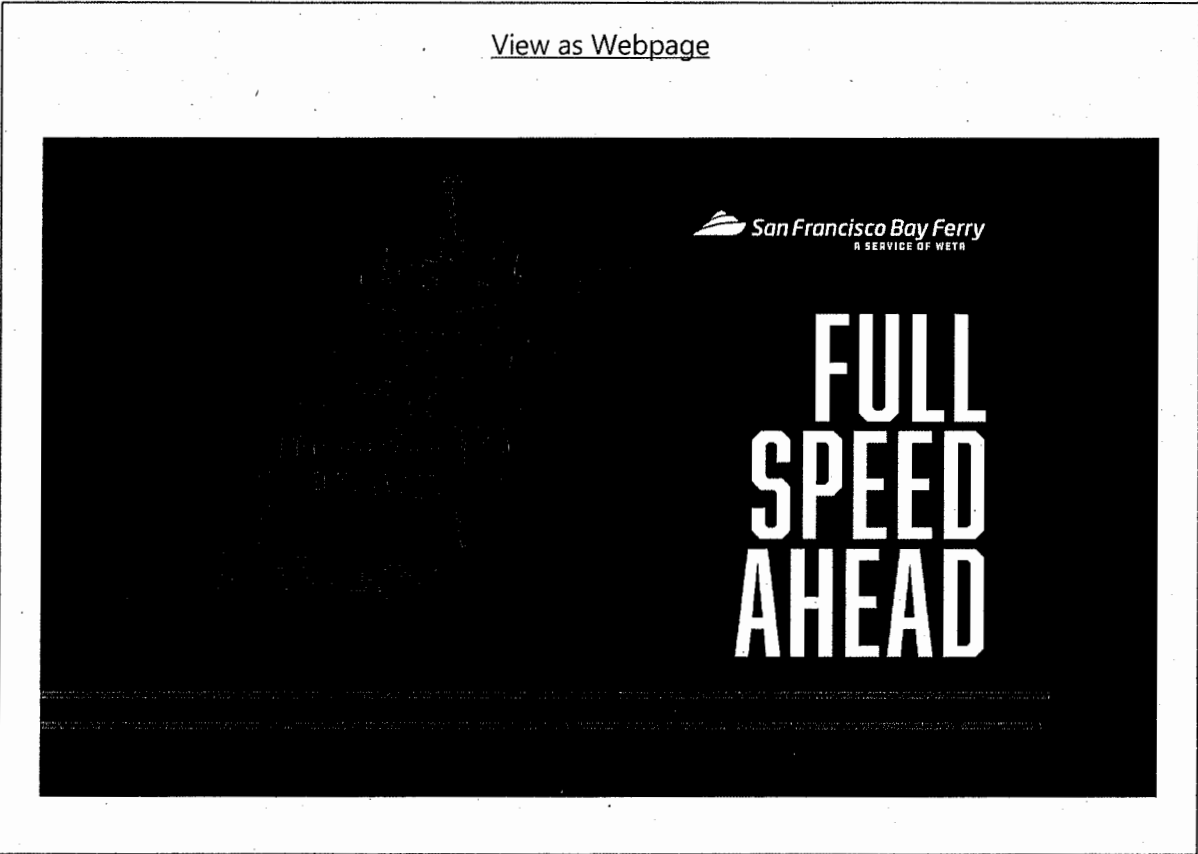
Have a wonderful holiday season.

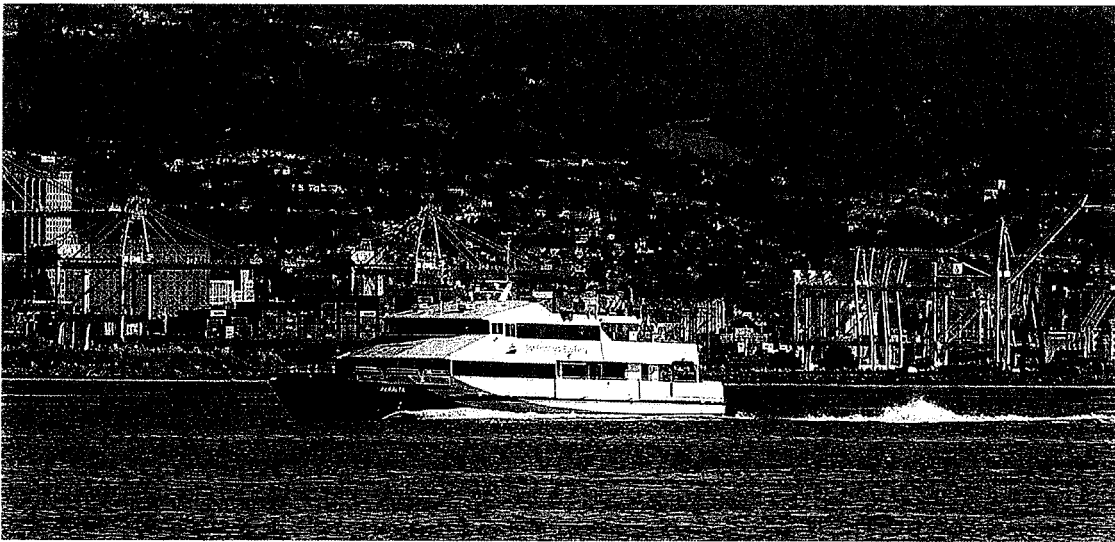
Lauren Gularte  
Government & Regulatory Affairs Manager

San Francisco Bay Ferry / Water Emergency Transportation Authority  
Pier 9, Suite 111, The Embarcadero  
San Francisco, CA 94111  
[gularte@watertransit.org](mailto:gularte@watertransit.org)  
(510) 910-6833 cell



[View as Webpage](#)





## **SCHEDULES CHANGING ON JANUARY 2 AS MAIN ST. ALAMEDA REOPENS**

San Francisco Bay Ferry is implementing schedule changes systemwide starting January 2, 2024.

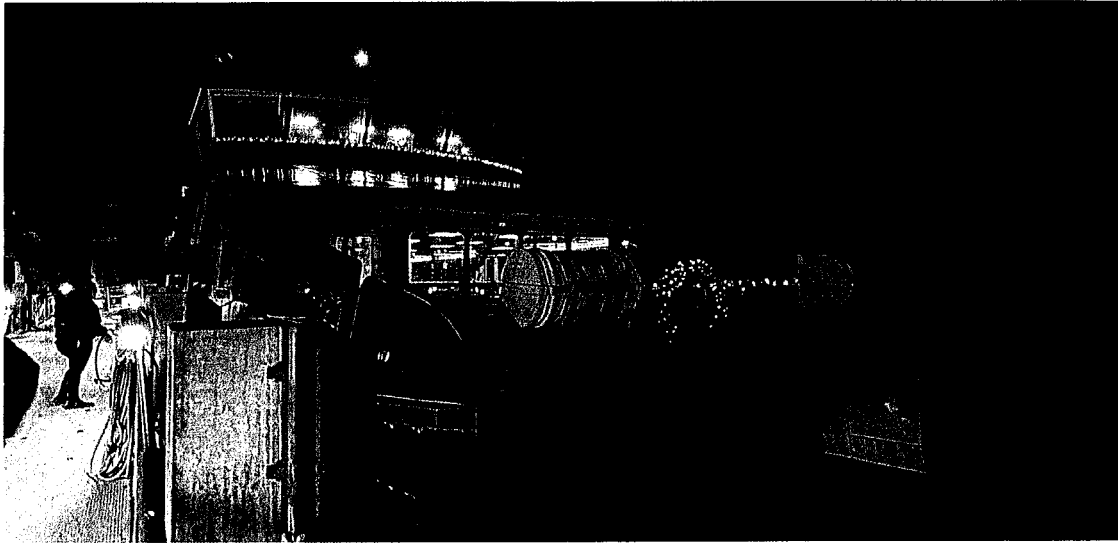
This service change is linked to the reopening of the Main Street Alameda Ferry Terminal after a major refurbishment project. Ferry riders can expect reintroduced service at Main Street Alameda for trips on the Oakland & Alameda and South San Francisco routes and a full restoration of ferry service on the Alameda Short Hop connecting Alameda and Oakland.

With the Main St. Alameda reopening, weekend service for the Alameda Seaplane ferry route will end and weekend schedules on the Oakland & Alameda route will change. The Oyster Point Limited pilot route connecting Mission Bay to South San Francisco will also be discontinued. Other minor schedule adjustments will occur to weekday schedules on the Richmond and Harbor Bay routes.

To learn more about this upcoming schedule change and to view details about what's changing, [visit our website](#).

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## CELEBRATE THE HOLIDAYS ON THE 'MERRY FERRY'

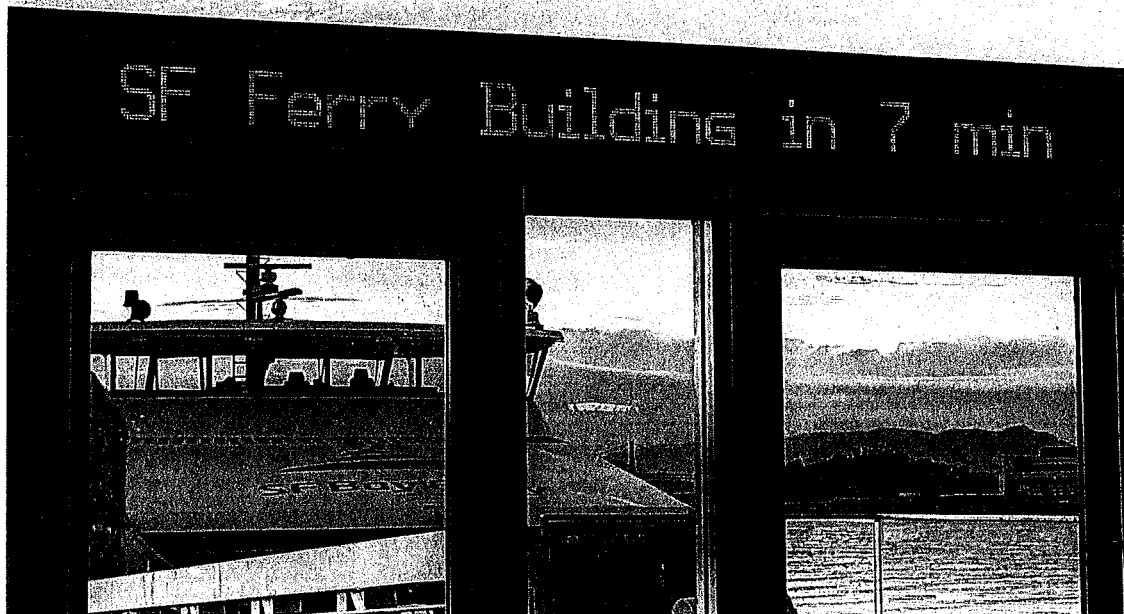


Crews and staff decorated MV Carina for its Dec. 2 participation in the 2023 Estuary Lighted Yacht Parade. More than 300 passengers took the special trip to and from Alameda's Seaplane Lagoon terminal, enjoying the holiday cheer and the other brightly lit boats illuminating the Estuary. Carina will keep her festive decor through the holidays, and [you can track her here to catch a ride!](#)

If you ride or spot our Merry Ferry out on the water, share your photos with us. Tag @sanfranciscobayferry on facebook or Instagram and use the hashtag #merryferry. In early January, we'll select two winners from Facebook and two from Instagram, each to receive a 4-pack of free ferry ride tickets to use in the New Year.



We're also celebrating the holidays this year with San Francisco Bay Ferry's first-ever holiday ornament, featuring our MV Bay Breeze in front of the iconic Ferry Building. Ornaments will be on sale on select ferry rides for \$20 (keep an eye out on social media for the sale schedule). You can also pick them up at the Bay Crossings shop in the Ferry Building for \$25 while supplies last.





## **INTRODUCING REAL-TIME INFO AT TERMINALS**

We're officially live with better and more accurate passenger information at all ferry terminals in the San Francisco Bay Ferry system. Digital terminal signs now display both real-time departures based on the vessels' GPS location as well as Rider Alerts as they are published if a service delay or disruption occurs.

Since 2021 we've been working to introduce more tools to help connect ferry riders to better, more accurate trip information via our improved Bay Alerts text notification system, San Francisco Bay Ferry mobile app and now real-time service information displayed directly at every terminal.

If you're a frequent rider, make sure to [sign up for real-time alerts via text message or email](#). You can select which routes, days and times you ride so that you only receive alerts relevant to you.

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## **\$16 MILLION FOR FERRY TERMINAL ELECTRIFICATION**

On November 30, Federal Transit Administration (FTA) Administrator Nuria Fernandez visited San Francisco to announce \$16 million in grants for San Francisco Bay Ferry's Rapid Electric Emission-Free (REEF) Ferry Program. The funds will be used to electrify two passenger floats at the Downtown San Francisco Ferry Terminal, as well as the floats at Main Street Alameda and Alameda Seaplane.

The agency has now secured more than \$115 million in local, state and federal funding for the REEF Ferry Program. Construction on the first electrified float and battery-electric vessels is expected to begin in 2024.

WETA, the agency that operates San Francisco Bay Ferry service, has selected Wärtsilä, a global leader in power, propulsion and lifecycle solutions for the marine market, as its electrification systems integrator for the REEF Ferry Program, ensuring technology and equipment used for the battery-electric vessels and infrastructure

work seamlessly together to maximize system flexibility, resilience and cost-effectiveness.

Elliott Bay Design Group, based in Seattle, has been selected as the design and construction management firm for a set of new 300-passenger battery-electric vessels. Aurora Marine Design, based in San Diego, will serve that role for a class of smaller battery-electric vessels to serve the San Francisco waterfront, including Mission Bay and Treasure Island, as well as consult on the overall zero-emission system architecture.

#### FERRY MERCH



Now available at the Aft Deck.

[Visit the Aft Deck](#)

#### FERRY TALES

**DOES YOUR  
COMMUTE HAVE A  
FERRY TALE  
ENDING?**

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ALAMEDA | OAKLAND | RICHMOND | SAN FRANCISCO | SOUTH SAN FRANCISCO | VALLEJO



Water Emergency Transportation Authority/San Francisco Bay Ferry | Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111

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Sent by matsui@watertransit.org powered by



**Benado, Tony**

---

**From:** Adena Ishii <adenam.ishii@gmail.com>  
**Sent:** Thursday, January 11, 2024 7:32 AM  
**To:** All Council  
**Subject:** Support Requested: BUSD Reparations Community Engagement Survey

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley City Council,

Thank you for your service to our community. As one of the Co-Chairs of the Berkeley Unified School District (BUSD) Reparations Task Force, I am **reaching out for your support**. BUSD and our Task Force created this short, anonymous survey to engage the Berkeley community and better understand their perspectives on reparations.

**Can you please fill out the survey and share it with other Berkeley community members?** We know that many of you communicate with your constituents through newsletters and social media.

- The survey should take about 5 minutes to fill out.
- The survey is open from now until January 19, 2024.
- You can copy/paste the URL to the survey if it's not working to click on the hyperlink: [https://berkeley.qualtrics.com/jfe/form/SV\\_cup7Jrm8XF8ifDo](https://berkeley.qualtrics.com/jfe/form/SV_cup7Jrm8XF8ifDo)
- We invite you to learn more about the BUSD Reparations Task Force.

Thank you so much for your time and assistance!

Sincerely,

Adena Ishii

--  
 Adena Ishii  
 (818) 620-5821

-----  
**Sample Language:**

The Berkeley Unified School District (BUSD) Reparations Task Force has created a 5-minute, anonymous survey to engage the community and better understand Berkeley residents' perspectives on reparations. Can you please fill out this quick survey before January 19th? You can learn more about the BUSD Reparations Task Force here at: <https://www.berkeleyschools.net/reparations-task-force/>

Survey: [https://berkeley.qualtrics.com/jfe/form/SV\\_cup7Jrm8XF8ifDo](https://berkeley.qualtrics.com/jfe/form/SV_cup7Jrm8XF8ifDo)

**Additional Background:**

In March 2023, BUSD created a Reparations Task Force to investigate how BUSD can implement reparations for descendants of chattel slavery in the United States. The Reparations Task Force is composed of a multi-racial mix of BUSD staff, parents, students, and community members that has been meeting monthly since April 2023.

**Benado, Tony**

---

**From:** Danny Wan, Port of Oakland Executive Director  
<portofoakland@public.govdelivery.com>  
**Sent:** Thursday, January 11, 2024 10:03 AM  
**To:** All Council  
**Subject:** You're Invited to Port of Oakland's Driving Innovation: Zero Emissions Oakland Symposium on Feb. 7, 2024 @ The Bridge Yard

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**PORT OF OAKLAND**

Seaport. Airport. Everyone's Port.

FEBRUARY 7, 2024

# Driving Innovation

Zero Emissions Oakland Symposium



Judge John Sutter Regional  
Shoreline, an East Bay Regional  
Park District Facility



**OAKLAND**  
CHAMBER of COMMERCE

**PORT OF OAKLAND**  
Seaport. Airport. Everyone's Port.

FEBRUARY 7, 2024

Join us for an all-day event to learn, share, and network about all things zero emissions coming to Oakland and the East Bay.

**Keynote Speaker: Commissioner Patty Monahan, California Energy Commission**

Sessions include:

- Business Sustainability
- Meeting Energy Demands
- Project Case Studies
- Innovation
- Toughest to Transition to Zero Emissions
- Community Benefits and Workforce Development
- 

Breakfast, lunch, coffee breaks, and hosted networking reception included.

Tickets: \$165

For more information and to register, please visit <https://www.portofoakland.com/zero-emissions>.

For questions, please email [zeroemissions@portoakland.com](mailto:zeroemissions@portoakland.com).

The Port of Oakland is on the road  
to **ZERO EMISSIONS** in seaport and  
airport operations.

[zeroemissions@portoakland.com](mailto:zeroemissions@portoakland.com)  
[www.portofoakland.com/zero-emissions](http://www.portofoakland.com/zero-emissions)

Location



The Bridge Yard  
210 Burma Road, Oakland, CA 94607

The Port of Oakland is well on its way to zero emissions operations. State and federal governments have recognized the importance of the Port and its transition to green energy by investing hundreds of millions of grant investments into zero emissions equipment, energy grid infrastructure and microgrids. The Port of Oakland is an important part of the state's hydrogen hub.

NOW, it's up to us, the Port, its operators, communities, and green technology partners to implement this important mission - not only because it meets our climate change challenges, but also because the health and prosperity of the Port, our operators, businesses, and our communities depend on the mission being accomplished.

So, REGISTER today! THIS IS the EVENT you want to be to figure out how YOU can be a part of the Port-driving green energy innovation.

### **Speakers, panelists and moderators include:**

- City of Oakland Mayor Sheng Thao
- President Barbara Leslie, Board of Port Commissioners and Oakland Metropolitan Chamber of Commerce
- Danny Wan, Port of Oakland Executive Director
- Kirsten Ritchie, Gensler
- Adam VanderBee, TEC Equipment
- Richard Battersby, Clean Cities Coalition
- PG&E
- Alberto Cordero, Crowley
- Paul Gagnon, SSA Marine
- PJ Callahan, Center for Transportation and the Environment
- Salim Youssefzadeh, Watt EV
- Spencer Pope, Taylor Equipment
- Matt Miyasato, First Element Fuel
- Sean McCaskill, Igus
- Matt Shumway, Mainspring
- Ben Ostroff, AmNav
- Mike Complita, Elliott Bay Design Group
- Matt Tomich, RNG Consultant
- Ian Gansler, American Association of Port Authorities
- Julie Caskey, City of Oakland

### **AGENDA**

|                                                                                                             |                  |
|-------------------------------------------------------------------------------------------------------------|------------------|
| BREAKFAST                                                                                                   | 8:00 - 8:45 AM   |
| Welcome Remarks   City of Oakland & Oakland Metropolitan Chamber of Commerce                                | 8:45 - 9:00 AM   |
| Opening Keynote   Patty Monahan, Commissioner of California Energy Commission: The Zero Emissions Challenge | 9:00 - 9:15 AM   |
| Panel Session #1   How Oakland Businesses are Working to Improve Sustainability in the Bay Area             | 9:15 - 10:15 AM  |
| COFFEE BREAK & NETWORKING                                                                                   | 10:15 - 10:45 AM |
| Panel Session #2   Meeting the Energy Demand                                                                | 10:45 - 11:30 AM |
| LUNCH                                                                                                       | 11:30 - 12:15 PM |
| Fireside Chat   How to Bring More Green Businesses to Oakland                                               | 12:15 - 12:45 PM |
| Panel Session #3   Port Case Studies: How the Port and Project Partners are Reducing Emissions              | 12:45 - 2:00 PM  |
| Panel Session #4   Zero Emission Innovations                                                                | 2:00 - 3:15 PM   |
| NETWORKING BREAK                                                                                            | 3:15 - 3:30 PM   |
| Panel Session #5   The Toughest to Transition: Vessels & Aircraft                                           | 3:30 - 4:30 PM   |
| Closing Session   Community Benefits and Workforce Development                                              | 4:30 - 5:00 PM   |
| NETWORKING RECEPTION                                                                                        | 5:00 - 6:30 PM   |

**Fee: \$165**

**REGISTER HERE**

Visit <https://www.portofoakland.com/zero-emissions> for more information.

For questions, please email [zeroemissions@portoakland.com](mailto:zeroemissions@portoakland.com).





**Benado, Tony**

---

**From:** Toyer Grear <toyer@lozeaudrury.com>  
**Sent:** Thursday, January 11, 2024 2:34 PM  
**To:** City Clerk; Manager, C; City Attorney's Office  
**Cc:** Jonathan Weissglass  
**Subject:** Cease and Desist Letter Pursuant to Government Code §54960.2  
**Attachments:** Letter to City Council.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Honorable Members of the Berkeley City Council,

Attached please find correspondence written on behalf of the Berkeley People's Alliance and Nathan Mizell, one of BPA's Board Members and a Berkeley resident, to request that the Berkeley City Council cease and desist from violating Government Code §54957.9. Please note a copy of the attached will follow by U.S. first class mail. If you have any questions, please contact Jonathan Weissglass directly.

Thank you,

Toyer Grear  
Office Administrator / Paralegal  
Lozeau Drury, LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612  
email: [toyer@lozeaudrury.com](mailto:toyer@lozeaudrury.com)  
phone: 510-836-4200  
cell: 510-607-8237  
fax: 510-836-4205

**Law Office of Jonathan Weissglass**

1939 Harrison Street, Suite 150-B

Oakland, CA 94612

510-836-4200

jonathan@weissglass.com

---

January 11, 2024

*Via U.S. Mail and E-Mail*

Honorable Members of the Berkeley City Council  
c/o Mark Numainville, City Clerk  
2180 Milvia Street, 1st Floor  
Berkeley, CA 94704  
E-Mail: clerk@cityofberkeley.info

Re: Cease and Desist Letter Pursuant to Government Code §54960.2

I am writing on behalf of the Berkeley People's Alliance ("BPA") and Nathan Mizell, one of BPA's Board Members and a Berkeley resident, to request that the Berkeley City Council cease and desist from violating Government Code §54957.9.

By way of legal background, Government Code §54957.9, a provision of California's Ralph M. Brown Act, provides:

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

The first sentence of Government Code §54957.9 creates a two-step process for continuing a City Council meeting where "orderly conduct of [a] meeting [is] unfeasible" due to interruptions. First, an attempt is to be made to restore order "by the removal of individuals who are willfully interrupting the meeting." That is, there is to be an attempt to determine who is interrupting the meeting and remove only those people. Second, "the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session." That is, if removal of certain individuals is not sufficient, the room may be entirely cleared as a last resort. The meeting would then continue in the cleared meeting room (with provision for readmittance of those not responsible for the interruption under the last sentence of the section).

Honorable Members of the Berkeley City Council  
January 11, 2024  
Page 2

The two-step process discussed above significantly limits the ability of legislative bodies to infringe on the right of members of the public to attend a legislative meeting *in person*. The Legislature has not given legislative bodies the option of moving to a different meeting room. Nor has the Legislature provided that video meetings are an adequate alternative to attending in-person, where members of the public may, among other things, strategize and coordinate, more readily yield time, and make their presence felt. Although BPA and Mr. Mizell do not condone use of force to remove individuals who are allegedly willfully interrupting a meeting, the Legislature provided that removal is a prerequisite to holding a City Council meeting without the in-person presence of the public. The Legislature has made its decision and that decision must be followed.

The City, however, did not follow either the letter or spirit of Government Code §54957.9 on two recent occasions – the November 21 and 28, 2023 City Council meetings. At both, the Mayor, after identifying interruptions, instead recessed the meeting and the City Council held the remainder of the meeting in a different location, without members of the public present in person. No attempt was made on either occasion to follow the two-step process of Government Code §54957.9. It does not resolve the Brown Act violation that members of the public were provided with video access to the meetings after they were recessed and moved because the Act does not provide such an exception.

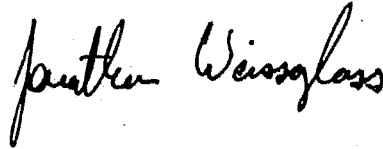
Pursuant to Government Code §54960.2, BPA and Mr. Mizell request that the City Council unconditionally commit to cease, desist from, and not repeat violations of Government Code §54957.9 by, where a meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible, failing to (1) attempt to restore order by the removal of individuals who are willfully interrupting the meeting, and (2) if that is not sufficient, order the meeting room cleared and continue in session in that room. Should the City not do so within 30 days of receipt of this letter, BPA and Mr. Mizell intend to file a lawsuit under Government Code §54960. At that point, under Government Code §§54960.2(b) and 54965, attorneys' fees and costs are in order even if the City eventually makes the requested unconditional commitment.

Given the analysis above, it does not appear that there is any justification under the Brown Act for the actions taken at the November 21 and 28 meetings. If the City on reflection agrees, it makes eminent sense to avoid litigation and attendant fees and costs and make the requested unconditional commitment. On the other hand, if there is some legal authority I am missing that justifies the City's actions, please provide it so I can consider the issue in light of that authority.

Honorable Members of the Berkeley City Council  
January 11, 2024  
Page 3

Thank you for your attention to this important matter. The best way to contact me is by e-mail to [jonathan@weissglass.com](mailto:jonathan@weissglass.com).

Sincerely,

A handwritten signature in black ink that reads "Jonathan Weissglass". The signature is written in a cursive style with a large initial 'J'.

Jonathan Weissglass

cc: Dee Williams-Ridley, City Manager (via E-Mail to [CManager@berkeleyca.gov](mailto:CManager@berkeleyca.gov))  
Farimah Brown, City Attorney (via E-Mail to [attorney@cityofberkeley.info](mailto:attorney@cityofberkeley.info))

**Benado, Tony**

---

**From:** Juan Carlos Lara <jlara@KQED.org>  
**Sent:** Monday, January 15, 2024 1:35 PM  
**To:** All Council  
**Subject:** KQED Inquiry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I'm reporting on allegations by the Berkeley People's Alliance that the city violated the Brown Act in late November when the mayor chose to recess two city council meetings and hold the remainder of the meetings from a separate location, thereby denying public access to the meeting. I'm hoping you can share how the city plans to respond to these claims and whether you believe there is any merit in them.

Thank you,

Juan Carlos

Juan Carlos Lara

KQED Reporter/ Producer

Pronouns: He/Him

Cel. | (818) 935-1259

We're back in our reimagined headquarters in the Mission District. Come see us at KQED Live.

2601 Mariposa Street  
San Francisco, CA 94110-1426

kqed.org

**Benado, Tony**

---

**From:** marc sapir <marcsapir@gmail.com>  
**Sent:** Sunday, January 14, 2024 9:26 AM  
**To:** Elana Auerbach; Glenn Turner; Negeene Mosaed; Elisita Castanon-hill; peoples-park-news@lists.riseup.net; Gene Turitz (louiseandgene@sbcglobal.net); Friends of Adeline; All Council; Andrea Prichett  
**Subject:** submitted to the Chronicle--fyi

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I don't know Rigel Robinson, nor who harassed him into quitting a race for Mayor in Berkeley, but I know that Joe Garafoli's article on the situation is a "whitewash". Appropriately, Garafoli centers the housing crisis, but he misrepresents it, reinforcing stereotypes. Yes, there are always NIMBYs who don't want more housing built. But advocacy for more housing breaks down into those who insist that a large proportion of new rental housing be affordable and low income, opposed by powers who don't. Developers and their politicians realize that building less than market rate housing in this crazy market isn't profit conducive. Berkeley wants to attract developers by advocating for profitability. Mayor Arreguin, himself, is not a progressive. Take, for example, his and his Council's blocking a Gaza Ceasefire Resolution as all our large neighbors (Oakland, Richmond, San Francisco) have passed. Arreguin is in bed with the Israel-lobby, accepting an all expense paid junket to Israel during earlier bombing of Gaza. Berkeley and UC might have honored Peoples' Park's history by creating a new community with 50% low and very low rent housing; and by ending raids and sweeps that destroy the property of homeless all over the city.

--  
 Marc Sapir MD, MPH  
 marcsapir.net  
[marcsapir@gmail.com](mailto:marcsapir@gmail.com)  
 510-260-6791

a most exceptional nation:

"America is false to the past, false to the present, and solemnly binds herself to be false to the future." Frederick Douglas

"We cannot escape history." Abraham Lincoln

"What's past is prologue." William Shakespeare (The Tempest)

"This country was formed for the white not the black man. And looking upon African slavery from the same standpoint, held by those noble framers of our Constitution, I for one, have ever considered it, one of the greatest blessings (both for them and us) that God ever bestowed upon a favored nation." John Wilkes Booth (cited by Karen Joy Fowler, Booth)

"Capitalism cannot reform itself....No universal selfishness can bring social good to all." W.E.B. Dubois

**Benado, Tony**

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**From:** Toni Mester <tonispann@comcast.net>  
**Sent:** Thursday, January 11, 2024 1:10 PM  
**To:** All Council  
**Subject:** CM Robinson's resignation

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Mayor Arreguin and the Berkeley City Council

From: Toni Mester D2

RE: resignation of Councilmember Robinson

January 22, 2024

I am outraged that an elected official of this City has been forced to resign because of harassment, stalking, and threats, according to Rigel's statement published in Berkeleyside.

First let me extend my sincere wishes for health, happiness, and future success to Rigel, his family and fiancée. My words should not be construed as a criticism of your decision.

In 1990 I was serving as the block captain under the BPD's neighborhood watch program, when my life was twice threatened. So I know how it feels.

Anybody who threatens public officials should be held to account.

Please, don't let them get away with this. Otherwise, they will learn that threats are a way to change policy and any of you could be the next target. Democracy will lose, and ultimately the citizens of Berkeley will pay the price.

Thank you for serving, whether I agree or not.

**Thomsen, Rose**

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**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Saturday, January 6, 2024 1:25 PM  
**To:** All Council  
**Subject:** Opinion: The Valencia Street center bike lane was a mistake and has to go - 48 hills

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

<https://48hills.org/2023/12/opinion-the-valencia-street-center-bike-lane-was-a-mistake-and-has-to-go/>



**Benado, Tony**

---

**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Saturday, January 13, 2024 3:31 PM  
**To:** All Council  
**Subject:** New Hampshire Bill To Ban Climate Engineering, 90 Second Alert - YouTube

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

<https://www.youtube.com/watch?v=pJyyt0rHAaY>

**Benado, Tony**

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**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Monday, January 15, 2024 1:28 PM  
**To:** All Council  
**Subject:** 'Urban Hellscape': Seneca Scott Breaks Down How Elites in America Are Systematically Destroying Cities | EpochTV

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<https://www.theepochtimes.com/epochtv/urban-hellscape-seneca-scott-breaks-down-how-elites-in-america-are-systematically-destroying-cities-5564807?src src=Morningbrief&src cmp=mb-2024-01-15&est=co3pg4rYSzty2skLb2CtXY5HdO+rQ/Pc5MK8RS4quBdCrVNBynMdwQeXvw3fTuEqgg==>

**Benado, Tony**

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**From:** Jack Kurzweil <jack.kurzweil@gmail.com>  
**Sent:** Thursday, January 4, 2024 1:18 PM  
**To:** All Council  
**Subject:** The Barricading of People's Park

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and Berkeley City Council Members,

According to the picture below, the shipping containers being used to barricade People's Park are being placed in the public street as opposed to the periphery of the park. Did the Council or the City of Berkeley give the University permission to narrow and block the street in this fashion?

Jack Kurzweil  
1737 Allston Way  
Berkeley, CA

510-292-8757



**Thomsen, Rose**

---

**From:** sylvia <lrs2@pm.me>  
**Sent:** Thursday, January 4, 2024 10:55 PM  
**To:** All Council  
**Subject:** The silence

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

The silence of our representatives lack of comment on the police brutality at People's Park is deafening.

Please see @peoplesparkberkeley for many videos of police brutality.

Take a stand and ask UC to give us our neighborhood back.

Sylvia

**Thomsen, Rose**

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**From:** Jill Polsby <polsby@yahoo.com>  
**Sent:** Thursday, January 4, 2024 7:29 PM  
**To:** All Council  
**Subject:** Peoples park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am a recent transplant to Berkeley. Three years and counting. Why in the world would you get rid of peoples park- something that figures so heavily in Berkeley's history.

Once you take away park space which is so desperately needed when we are all living in such incredibly small spaces.... Where are we to go to breathe air, lie in the sun, protest if need be, read a book.

Please please rethink this plan and keep the party

Jill Polsby  
California St  
Cell: 646-270-5289

**Thomsen, Rose**

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**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Saturday, January 6, 2024 1:15 PM  
**To:** All Council; City Clerk; City Attorney; Humbert, Mark  
**Cc:** Becky O'Malley; BerkeleySpeaksNewspaper@gmail.com; Daily Cal; KQED; Kpfa News; Rachel Lederman; Ross Todd Kerr; Supriya Yelimeli; hannah.wiley@latimes.com  
**Subject:** Respectfully disagree with your People's Park position

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Humbert:

I understand that you also are an attorney. I practiced law in Washington state for 25 years. As a Cal alum (Class of 1982), I am grateful for my academic and social education at UC Berkeley. I was an elected ASUC Senator, a member of Berkeley Students for Peace, Students Against Intervention in El Salvador, and actively involved in the UC Divestment campaign to end Apartheid in South Africa. I was also involved in the Interfaith community- and worked as the Director of Hunger Education and Action at Unitas (now Free House) in my gap year before USF Law School.

I'm also a supporter of the historic, internationally recognized Commons, the 2.8 acre parcel of land that is known as People's Park. I along with many others helped build the Free Speech Stage in 1979. I've also attended dozens of peaceful, joyful events in the park since my return to Berkeley in 2010. It is a space where diverse groups of people of all ages and backgrounds danced, sang, played music, gardened and held classes, tours for tourists, meetings, and individual conversations about life, current events, traveling, culture, etc.

It is tragic that people have died in People's Park. The answer to that problem is prevention programs and more support to outreach teams to reduce harm and protect everyone from deadly drugs. We had four deaths in one day from fentanyl in Dr. King Civic Center Park last year, but that was not grounds to close the park. Park supporters are also continually working on keeping people safe - and definitely are proponents for public safety. Have you talked with any of the peace activists connected to the park, or attended any concerts or festivals before the COVID shutdown?

The answer also is to provide supportive housing, which could be provided on six other 'opportunity sites' identified by the 2021 UC Long Range Development Plan.

If you have not done so, I encourage you to do as I did- read the entire 400 plus page report. I also participated in public comment at UC Regents meetings.

It is an erroneous label to call park supporters 'anti-housing.' I have been advocating for affordable housing in Berkeley for the last 13 years: I attended Planning Commission, ZAB, Council and other meetings. The council refused to set aside 20% BMR units despite the city's own Nexus study confirming that developers would meet their ROI (they could 'pencil it out' in terms of profit). Both the City and University have failed to meet the urgent need for affordable housing. Our RHNA numbers are met over 200% for upper income and zero for very low income persons. Our crisis is horrible and preventable. I trust and hope that you will urge developers to do more including by passing a Community Benefits Ordinance.

Also, it was not clear to me that many Berkeley City Council members read the court opinion that suspended construction on People's Park. Sadly, the council voted to submit an Amicus brief in support of the University. I read the entire opinion and it is based on a sound, rational analysis of the UC's failure to identify mitigation of adverse environmental impacts, and its failure to consider and discuss alternative sites (which would actually provide many more housing units for students than the proposal for People's Park).

The city and my alma mater have unleashed a dangerous and troubling situation. I witnessed very peaceful protestors when I was in People's Park at midnight - early Thursday morning when unmarked white vans pulled up to the park filled with armed police officers. On Friday, I spoke with young people who witnessed a kid smashed to the ground by police (she apparently was treated at the hospital and may have a broken collar bone as a result). I witnessed an officer in the park attempt to rush up to a college student with baton forward - the young man was just standing there asking for his badge number that had been covered up. Another officer pulled the aggressive officer back. We have over 500 officers in our city in riot gear contributing to much anxiety and tension.

I don't know if you have read the court materials on the Federal Court case captioned Law v. City of Berkeley - but the evidence and past pattern and practice does not support your statement that BPD is well trained and proficient in de-escalation. In a BlackLivesMatter protest, they escalated and bashed me, a journalist, a minister, and Cal students with hard, painful batons, and threw flash bang grenades at our feet, and later tossed tear gas through the streets including along Telegraph. In discovery, the city admitted dispersing so much of the toxic gas that they did not know the quantity.

I don't know if you ever attended any of the beautiful gatherings at People's Park - but many of us are saddened by the overly aggressive, extremely costly actions (24/7 dining operation for 1,400 people for 4 days?) We could have provided meals for 1,000 unhoused people and 100 hotel vouchers for 6 months to a year probably. And low income housing vouchers for 40% of students at Cal who receive financial aid (Pell Grants provide only \$900 a month for housing and UC dorms cost much more than that.. off campus housing is average \$1,200- \$1,400 a month per student .. many of them don't have enough money to eat three meals a day - fortunately students started an on campus food bank- I helped start the UC Food Collective that is still going over 40 years later).

It is unfair and misleading to blame peaceful protestors for the university's failure to provide affordable housing. Please examine all of the evidence- and I appreciate your willingness to investigate misconduct by BPD. They are required to wear body worn cameras as a result of the federal court settlement in Law v. City of Berkeley. And the Reimagining Task Force and Mayor's Fair and Impartial Policing Task Force that I was appointed to by Mayor Arreguin worked tirelessly to ensure BPD operates within the guidelines of





Constitutional Policing. The City Council and City Manager will hopefully ensure Best Practices are applied, and new reforms are being implemented. It has not been our experience - there's often push back, delay and excuses (including the BPD Bike Patrol racist text scandal).

The other problem with this large military style operation in Berkeley this week is the inability to control police units from a dozen other locations. The 'Mutual Aid' operation caused significant harm during the BlackLivesMatter peaceful protest where police were a large part of the rioting behavior (see video online of officers beating people, throwing a young woman on the ground, shooting people with 'less lethal' but painful pellets, tear gas, etc).

I am also submitting this letter of concern to the Police Accountability Board.

Sincerely,

Moni T. Law, J.D.  
Cal Alum, Berkeley Resident



## Thomsen, Rose

---

**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Monday, January 8, 2024 7:13 AM  
**To:** Humbert, Mark  
**Cc:** All Council; Wong, Jenny  
**Subject:** Why the military style 'drive by' with guns drawn? How much from tax payers expended?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

This photo/video was Thursday .. and 7 similar black vans filled with BPD were parked off Telegraph Ave Thursday evening. How much did UC pay for this operation - or is UC reimbursing the city? Or is the city paying?

Thank you in advance for a reply.

Moni T. Law, J.D.  
Berkeley Resident  
Cal Alum (1982)



Sent from my iPhone

**Thomsen, Rose**

---

**From:** Joty Dhaliwal <jotyfyr@gmail.com>  
**Sent:** Sunday, January 7, 2024 4:41 PM  
**To:** Manager, C; All Council; Planning Dept. Mailbox  
**Subject:** Stop Using Public Resources On Private Development

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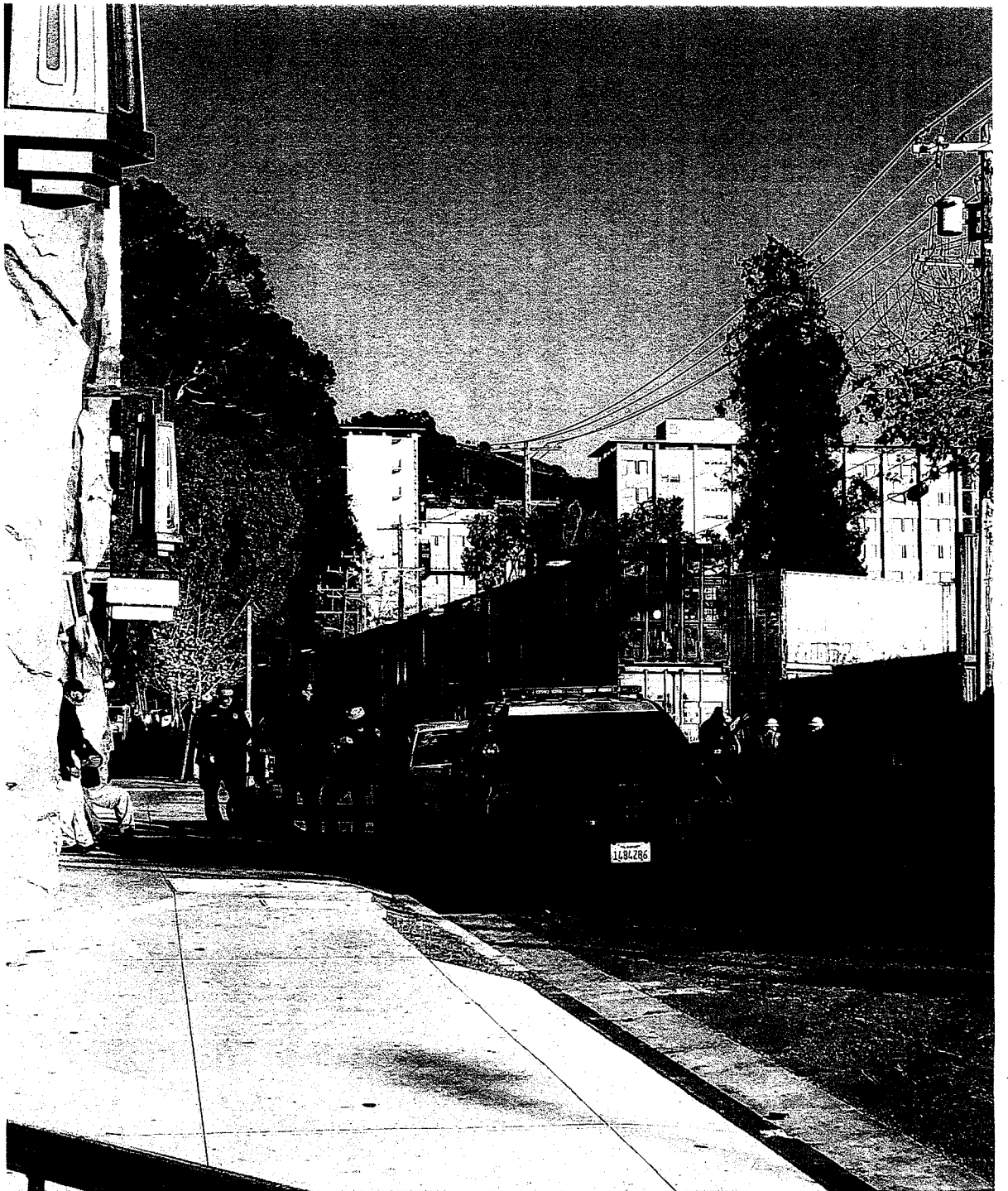
Why are the police being deployed to protect UC Berkeley private project?

A container wall is being constructed on green space! Its so deplorable, just looking at it you can tell what this city supports and stands for, and its not the public.









Joty Dhalival (pronounced Jo - T)  
Artist / Designer / Maker  
415-269-5217 // [jotydhaliwal.com](http://jotydhaliwal.com)



**Thomsen, Rose**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Saturday, January 6, 2024 4:10 PM  
**To:** City Clerk; All Council  
**Cc:** Harrison, Kate  
**Subject:** Is City of Berkeley paying for People's Park police security?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council:

Please clarify if this is TRUE? And if so much, HOW MUCH?

Citizens have the right to know how our tax dollars are spent.

Thank you,  
Summer Brenner

**Benado, Tony**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Tuesday, January 9, 2024 12:22 PM  
**To:** All Council; City Clerk  
**Subject:** BPD at People's Park? paid by Berkeley residents?

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council,

I am alarmed to learn that the Berkeley Police Department personnel are participating, along with other police units, in guarding People's Park (from the People and the protestors).

Equally alarming is that **BPD will not be reimbursed by UC-Berkeley. We are paying!**

As far as I know, the City Manager has determined that this is not a case of 'mutual aid.' As far as I know, the total cost is unknown as this continues to be an unfolding event.

I'm unsure of the logic, but **our tax dollars are being used to collude with UC-Berkeley in the willful destruction and occupation of People's Park, BEFORE** the court has ruled whether it will be lawful to build there or not.

And if the court rules in favor of the park over a residential student tower, what will be left? UC has turned it into a wasteland.

NOT IN OUR NAME! I'm sure that's a familiar phrase.

Thank you.  
Summer Brenner

**Thomsen, Rose**

---

**From:** beneficialbug@sonic.net  
**Sent:** Saturday, January 6, 2024 4:50 PM  
**To:** Moni Law  
**Cc:** All Council; City Clerk; City Attorney; Humbert, Mark; Becky O'Malley; BerkeleySpeaksNewspaper@gmail.com; Daily Cal; KQED; Kpfa News; Rachel Lederman; Ross Todd Kerr; Supriya Yelimeli; hannah.wiley@latimes.com  
**Subject:** Re: Respectfully disagree with your People's Park position

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Thank you, Moni, for once again speaking Truth to Power.

The attack on Nature and us all is reprehensible and with all the empty housing (thousands of units in the city, and more coming online), it is all the more ridiculous that taxpayer money is being wasted on this military operation against people who care about people, the environment, and wildlife.

A tide is turning, as it must; when things are suppressed, they have to come out eventually and it is so with truth, too.

Max

---  
 Maxina Ventura  
 Classical Homeopathy, Non-toxic Medicine  
 All Ages, All Genders  
 WiseWomanHealth.com

On 2024-01-06 13:14, Moni Law wrote:

Dear Councilmember Humbert:

I understand that you also are an attorney. I practiced law in Washington state for 25 years. As a Cal alum (Class of 1982), I am grateful for my academic and social education at UC Berkeley. I was an elected ASUC Senator, a member of Berkeley Students for Peace, Students Against Intervention in El Salvador, and actively involved in the UC Divestment campaign to end Apartheid in South Africa. I was also involved in the Interfaith community- and worked as the Director of Hunger Education and Action at Unitas (now Free House) in my gap year before USF Law School.

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are proponents for public safety. Have you talked with any of the peace activists connected to the park, or attended any concerts or festivals before the COVID shutdown?

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Constitutional Policing. The City Council and City Manager will hopefully ensure Best Practices are applied, and new reforms are being implemented. It has not been our experience - there's often push back, delay and excuses (including the BPD Bike Patrol racist text scandal).

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I am also submitting this letter of concern to the Police Accountability Board.

Sincerely,

Moni T. Law, J.D.  
Cal Alum, Berkeley Resident



**Thomsen, Rose**

---

**From:** Arthur Stopes III. <arthurstopes@sbcglobal.net>  
**Sent:** Saturday, January 6, 2024 11:21 PM  
**To:** Harrison, Kate  
**Cc:** Robinson, Rigel; All Council  
**Subject:** Fw: 'A Superior Plan for "People's Park"; Preserving the Land, and Providing Dormitories - beautifully.'

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

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Dear Ms. Harrison:

Having not heard from you since sending the optimistic message below, I naturally wish to know why...

I plan, again, to write to the "Chancellor" of U.C. Berkeley, and I shall offer her the Opportunity to take a

"Positive Hand in Creation,"\* as my Mentor, Frank Lloyd Wright, used to say.

Since writing to you, "**People's Park [was] successfully walled off by a fortress of double-stacked shipping containers following an overnight hostile takeover**", on Jan. 4th - EAST BAY TIMES, Saturday, January 6th 2024.

I recall that you had written to the "Chancellor", the following:  
 "I am supportive in concept of the University's original plan to build student and homeless housing at the Park while preserving desperately needed and lacking open space in the Southside Campus area." - Kate Harrison, ...

Clearly, the actions of the "Chancellor" are reminiscent of the actions of that other Chancellor - of the Third Reich. Her actions have literally set up "Walls around a Park", already desertified by her Police in July, 2023.

To Me, these actions signify a mind that has within it - walls. Mental Walls, incapable of conceiving of a Superior Plan for "People's Park", wherein both "housing" and "open space" may be provided, beautifully. My trained imagination has already conceived, in detail, the Dormitories hovering along the perimeter of the 270' by 450' property - suspended from arches within and above - and stepping outward as they rise, flower-like, from a lushly planted interior Garden-Park. Please, Councilmember Harrison (and others); Do support it!

Sincerely,

/S/

Arthur Stopes, III. / Artist, Architect and Planner / Berkeley, California state. (Cal.; *not* "CA").

\*"Man takes a positive hand in creation whenever he puts a building upon the earth beneath the sun." - FLIW (1937)

----- Forwarded Message -----

**From:** Arthur Stopes III. <arthurstopes@sbcglobal.net>

**To:** kharrison@cityofberkeley.info

**Sent:** Tuesday, January 2, 2024 at 10:30:00 PM PST

**Subject:** A Superior Plan for "People's Park"; Preserving the Land, and Providing Dormitories - beautifully.

---

Dear Public Servant; Kate Harrison, Berkeley City Councilmember: (From an Inhabitant; *not* a "Resident.")

Greetings...

Hearing again today, of U.C. Berkeley's continuing scheme to despoil People's Park, which is listed on the National Register of Historic Places, I turned to the Park's website and read the 'People's Park National Trust Letter' of December 22, 2023, and also your 'Open Letter to UC Berkeley[']s mal-]Administration' - undated.

I next inquired about *you*, and discovered "the City's voter-approved Empty Homes (Vacancy) Tax (2022), which is expected to net \$4-8 million per year for the City's affordable housing trust fund and small sites program," of which you are the author. Congratulations.

*If* the local University had *not* razed the 25 houses on that property in 1968, and *if* the "Empty Homes Tax Ordinance" had been in effect since that time (55 years), then 25 (houses) x \$6000. (per vacant house?) x 55 (years) = \$8,250,000., to date. (!) Instead, the unenlightened "University Bureaucrats" desertified the place.

I myself, had written to the "professional bureaucrat" (as the then-sitting-in students at the Anthropology Library described Chancellor Carol Christ (*sic*) to me), on "Tue, Sep 22, 2020 at 4:58 PM"; to wit:

Dear Ms. Carol Christ, Chancellor, *et al.*:

Kindly do take advantage of a rare Architectural *and* Preservation Opportunity. - Arthur Stopes, III.

---

### **A Superior Plan for the Dormitories that U.C.B. threatens to build on People's Park.**

I have noted, via the Internet with dissatisfaction, the crude and pedestrian schemes sponsored by the said University to obscure or obliterate the special site of "People's Park", which would merely urbanize that sacred land; placing (at best) a bronze plaque, to misrepresent for Berkeley, the "People's History".

However, I (as an Artist, Architect and Planner), have conceived of a Superior Plan, which would - if "development" is indeed inevitable - create not only a considerable number of dormitory rooms and complementary spaces, but leave the place almost entirely untouched by construction; this way:

A. A relatively slender band of dormitory building, inset from the surrounding sidewalks, would hover about 10 feet above the east side, and from 30 to 40 feet above the west side, of the 270 foot by 450 foot property which slopes downward about 22 feet from **northeast** to **southwest**, toward Telegraph Avenue.

B. The non-masonry, lighter buildings would "touch down" only near the corners of the property, being supported by means of four interior arches, which rise from four **distant** 10' by 10' abutments through the centerlines of the perimeter building(s), and expressing themselves in two very different ways.



C. The majority of the site (remaining Park), would be bounded by outward-**stepping dormitory floors**, with occasional openings at arch penetrations and the buildings' centers, with main entries for students and the "formerly homeless" at the northwest and southwest, respectively.

D. These main entries would be double lobbies, or ground-level gathering areas, each being flanked by waterfalls about 8' wide and 10' high, expressing the actual character of the sloping site, and both flowing from a recirculating fountain-sculpture at the northeast, or highest corner of the property.

E. Accompanying the arches' rise would be separate elevator routes and stairs within the glass-walled lobbies; they would be wall-less (without opacity), stressing the openness of People's Park.

F. Finally; realize that no walls, or columns, would be seen from within the Park looking outward, except eight slender pylons supporting an inner ring of dormitories 30 feet above, with historical exhibits below.

I trust that, from this, you will "take heart", and know that Hope remains, as the fountainhead of Man's creation - Nature and Nature's God - remains, as the true basis of both Law and Civilization.

By: ..... Arthur Stopes, III.

(Artist, Architect and Planner - Not statutorily "in this state" of "CA", *de facto*; but in Cal., *de jure*.)

---

(Slight changes in the original description are in **boldface** type.)

Allow me to introduce myself...

As a young Apprentice to the only *de jure* American State Citizen I have ever known, I assisted my illustrious Mentor on the Marin County Civic Center project in 1957, when he was 90 - having been born *before* the so-called "14th Amendment", which was declared "ratified" three (3) times, in 1868. (More, if you care to ask.)

I have been perhaps "wasting my time", for a long time, as I deeply understand the deceptive nature of congressional (and "State" (*sic*)) legislation, and have been attempting - in vain - to educate "the People" how to (for instance), Challenge the *territorial* F.C.C., or F.D.A., *etc.* But, alas, the "Sheeple" *believe* what they think.

If you would like to know more, please do not hesitate to contact Me. Thank you. Tele. No.: (510) 548-5238.

Sincerely,

/S/

Arthur Stopes, III. / Legislative Analyst and Writer (L.A.W.) / Berkeley, California State. (Cal.; *not* "CA").

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**Thomsen, Rose**

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**From:** Justin Lee <cocoablini@gmail.com>  
**Sent:** Saturday, January 6, 2024 8:02 AM  
**To:** Humbert, Mark  
**Cc:** All Council  
**Subject:** Park Email was so biased I wanted to vomit

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Councilman,

I am not a big fan of what the Park has turned into and the stewardship has been a disaster. But constantly pumping the housing crisis for developers is sickening. That proposed building will most likely be managed or leased to a subsidiary of Goldman Sachs or Blackstone's student housing REIT. They have shown no interest in reducing rents or providing good housing for students at a fair cost. The UC System itself is an investor in Blackstone and that's a conflict of interest as well.

My assumption is that the board is just constantly in this build baby build mode which STILL has not created a suppression of rents even with all the empty units. It's all too expensive and for commuters. Why, because again, your buddies in private equity also collude to keep prices and rents high by squeezing supply. It's called "warehousing." Also, Peoples Park should have been negotiated by the city to be a real park, as Robinson's district is in constant violation of the city charter for open space per 2000 residents. Robinson shouldn't even have a district-that was created to give UC a gimme vote.

Stop pretending you care, please. It's gross

-Justin Lee

D2

**Thomsen, Rose**

---

**From:** Leslie Firestone <lfirestone63@gmail.com>  
**Sent:** Friday, January 5, 2024 6:10 PM  
**To:** All Council  
**Subject:** A police state in Berkeley!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council

I am appalled by what is currently happening in our city. I drove down College Avenue to find tons of barricades and police blocking residents ability to move about freely. I then drove up Piedmont to go across town only to find a van packed with police. The door was open and one officer sat on the floor gun in hand waiting for what??? There was literally nothing happening and no one around!

How could you support this type of action in our city? All of you have a responsibility to speak up and help stop this police takeover of our city.

I am a 40 year resident of Berkeley currently in the Elmwood District. I have rarely seen anything like this. Do your jobs! Make this stop now!

Sincerely  
Leslie Firestone  
3126 College Ave

**Benado, Tony**

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**From:** richard crago <cragorichard1@gmail.com>  
**Sent:** Thursday, January 11, 2024 8:00 AM  
**To:** All Council  
**Subject:** Protect People's Park. Build Elsewhere, Please.

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Berkeley City Council,

Council, simply put: **What did you think was going to happen?**

Seriously, how did none of you think that perhaps the closure of People's Park might elicit feelings of frustration and anger? Hundreds of law enforcement agents surrounded the park, pointed guns at people, seized and destroyed people's property, locked down an entire neighborhood, violated the 4th amendment by towing cars in the area, and violated the 4th amendment by demanding the IDs of any and all persons within blocks of the park. All while the UC's contractors tore down trees, including trees that weren't even on the planned footprint of the proposed buildings, and **erected a dystopian (and frankly fascist-looking) metal wall** out 100 shipping containers. None of you thought that maybe, just maybe, this would elicit strong reactions from people?

The history of tension over People's Park for over 50 years didn't seem to even be a consideration. There was no consideration that such a move on People's Park might create turmoil, and further deepen divisions in the Berkeley community. The heavy emotions that were already brewing on both sides of the debate over the past few years wasn't considered. The reaction that was already seen when the chain link fence was placed by the UC during the pandemic, then immediately torn down, wasn't considered.

Carol Christ had to cancel two speaking engagements this week, because people might show up to speak their mind over what happened. What did you think was going to happen? Did you think that after the shipping container wall went up, that people were just going to go "aw shucks, oh well" and let bygones be bygones? It was totally foreseeable that people were going to seek public venues to voice their opinion. What's your plan now? To cancel all future engagements and hide for the rest of the school year?

Council member Rigel Robinson, who ran on a platform of crushing People's Park, got what he wanted. Now he has announced that he is stepping down from council because people are angry at him. He complains that people are being uncivil. Well Rigel, what about the incivility of law enforcement pointing guns at people? Yes, Rigel, people were mean to you. However, the agents of the state threatened to shoot people. **The only way Rigel could have gotten what he wanted was through the violence of the state**, and implicit threats of harm (and the threat of potential loss of life) towards citizens expressing their right to protest.

The aftermath of what happened last week was reasonably foreseeable, yet those in Berkeley's and the UC's highest positions of authority seem completely surprised and unprepared.

The thing is, none of this was necessary. The University had a list of several alternative sites, and more sites were proposed by the public. The millions of dollars spent on law enforcement and the

shipping container wall could have been invested in social services. The funds allotted to a project that is still held up in court proceedings could have been used for a project on another parcel. The attempt to place a chain link fence around People's Park happened in 2022. It's now 2024. If the UC had focused on another site, new housing would be well underway.

In 2022, the UC and the city had a chance to step back and de-escalate. They had a chance to imagine other possibilities. They had a chance to reflect on if moving forward was an act of stubbornness and ego, rather than necessity. There was time to look at the emotional and social costs associated with tearing up People's Park. **Trust in government is at nearly the lowest it's ever been recorded by pollsters nationwide.** The UC and the city had a chance to do something that would build trust in local government. Instead the UC continues to lie, through its propagandist Dan Mogulof, about People's Park.

The truth is that the former Vice Chancellor of Real Estate at UC Berkeley had recommended that People's Park not be a site for development. There was a plan, in fact, to make improvements at People's Park, **reinvesting in the park as a community hub.** There was a thoughtful plan to increase housing around campus, and to revitalize People's Park. These recommendations were ignored by Chancellor Carol Christ. Everything that has happened over the past week, and is happening now, is a direct result of Carol Christ's decision to toss out a well considered plan, without asking herself: What did you think was going to happen?

**Build housing elsewhere**, including housing with integrated social services for those who need it, and make People's Park an outdoor venue for ecology, recreation and arts. The plan was already drafted under the prior UC administration. All you have to do is follow it. You have a chance to calm the tensions in Berkeley. It takes strong leadership to admit a mistake. It's clear that a mistake was made by the UC by choosing People's Park as a development site, and a mistake was made by the city of Berkeley by going along with it. **Please put your guns away, and build housing somewhere other than the park.**

Richard Crago

**Benado, Tony**

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**From:** sky\_ocean <skyskyskyocean@gmail.com>  
**Sent:** Thursday, January 11, 2024 6:13 AM  
**To:** All Council  
**Subject:** Protect People's Park. Build Elsewhere, Please

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Berkeley City Council,

Council, simply put: **What did you think was going to happen?**

Seriously, how did none of you think that perhaps the closure of People's Park might elicit feelings of frustration and anger? Hundreds of law enforcement agents surrounded the park, pointed guns at people, seized and destroyed people's property, locked down an entire neighborhood, violated the 4th amendment by towing cars in the area, and violated the 4th amendment by demanding the IDs of any and all persons within blocks of the park. All while the UC's contractors tore down trees, including trees that weren't even on the planned footprint of the proposed buildings, and **erected a dystopian (and frankly fascist-looking) metal wall** out 100 shipping containers. None of you thought that maybe, just maybe, this would elicit strong reactions from people?

The history of tension over People's Park for over 50 years didn't seem to even be a consideration. There was no consideration that such a move on People's Park might create turmoil, and further deepen divisions in the Berkeley community. The heavy emotions that were already brewing on both sides of the debate over the past few years wasn't considered. The reaction that was already seen when the chain link fence was placed by the UC during the pandemic, then immediately torn down, wasn't considered.

Carol Christ had to cancel two speaking engagements this week, because people might show up to speak their mind over what happened. What did you think was going to happen? Did you think that after the shipping container wall went up, that people were just going to go "aw shucks, oh well" and let bygones be bygones? It was totally foreseeable that people were going to seek public venues to voice their opinion. What's your plan now? To cancel all future engagements and hide for the rest of the school year?

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The aftermath of what happened last week was reasonably foreseeable, yet those in Berkeley's and the UC's highest positions of authority seem completely surprised and unprepared.

The thing is, none of this was necessary. The University had a list of several alternative sites, and more sites were proposed by the public. The millions of dollars spent on law enforcement and the shipping container wall could have been invested in social services. The funds allotted to a project that is still held up in court proceedings could have been used for a project on another parcel. The attempt to place a chain link fence around People's Park happened in 2022. It's now 2024. If the UC had focused on another site, new housing would be well underway.

In 2022, the UC and the city had a chance to step back and de-escalate. They had a chance to imagine other possibilities.

They had a chance to reflect on if moving forward was an act of stubbornness and ego, rather than necessity. There was time to look at the emotional and social costs associated with tearing up People's Park. **Trust in government (and in public institutions) is at nearly the lowest it's ever been recorded by pollsters nationwide.** The UC and the city had a chance to do something that would build trust in local government. Instead the UC continues to lie, through its propagandist Dan Mogulof, about People's Park.

The truth is that the former Vice Chancellor of Real Estate at UC Berkeley had recommended that People's Park not be a site for development. There was a plan, in fact, to make improvements at People's Park, **reinvesting in the park as a community hub.** There was a thoughtful plan to increase housing around campus, and to revitalize People's Park. These recommendations were ignored by Chancellor Carol Christ. Everything that has happened over the past week, and is happening now, is a direct result of Carol Christ's decision to toss out a well considered plan, without asking herself: What did you think was going to happen?

**Build housing elsewhere,** including housing with integrated social services for those who need it, and make People's Park an outdoor venue for ecology, recreation and arts. The plan was already drafted under the prior UC administration. All you have to do is follow it. You have a chance to calm the tensions in Berkeley. It takes strong leadership to admit a mistake. It's clear that a mistake was made by the UC by choosing People's Park as a development site, and a mistake was made by the city of Berkeley by going along with it. **Please put your guns away, and build housing somewhere other than the park.**

Sky Ocean





Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
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Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.



**Thomsen, Rose**

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**From:** Jack Kurzweil <jack.kurzweil@gmail.com>  
**Sent:** Friday, January 5, 2024 12:22 PM  
**To:** All Council  
**Cc:** Stephanie Allan; Jack Kurzweil  
**Subject:** Request that the Berkeley City Council Adopt a Resolution Calling for a Ceasefire in Gaza

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

The undersigned residents of Berkeley request that the Berkeley City Council pass a Resolution calling for a CEASEFIRE in Gaza and an end to the killing and destruction there.

Stephanie                      Allan  
 Jack                              Kurzweil

Judy Ann                      Alberti  
 Gael                              Alcock  
 Jeanne                          Allan  
 Lewis                            Ames  
 Max                              Anderson  
 Elana                            Auerbach  
 MJ                                Baumann  
 John                              Brauer  
 Summer                        Brenner  
 Shirley                         Brewin  
 James                          Brook  
 Laurie                          Capitelli  
 Eileen                          Carey  
 Cheryl                          Chinn  
 Emma                          Coleman  
 Zipporah                      Collins  
 Carol Coyote                 Cook

|                |                   |
|----------------|-------------------|
| Jen            | Corn              |
| Dereithia      | DuVal             |
| Micky          | Duxbury           |
| Barbara        | Epstein           |
| Laura          | Fantone           |
| David          | Fielder           |
| Barry          | Fike              |
| Jerry          | Fillinghim        |
| Margaret Greta | Fillinghim        |
| Leah           | Fillinghim - Selk |
| Marwa          | Fiza              |
| Morey          | Fox               |
| Sam            | Frankel           |
| Chris          | Gilbert           |
| Jonah          | Gottlieb          |
| Bernard        | Grandjacques      |
| Judy           | Grether           |
| Conn           | Hallinan          |
| Kelly          | Hammergren        |
| Hali           | Hammer            |
| Arthur         | Holden            |
| Elsa           | Johnson           |
| Meghann        | Kabala            |
| Jane           | Kelly             |
| Tom            | Kelly             |
| Rev. George    | Killingsworth     |
| Karl           | Knobler           |
| Kim            | Kruckel           |
| Moni           | Law               |
| Patrick        | LeCourt           |

|          |                |
|----------|----------------|
| Ann      | Legg           |
| Derek    | Legg           |
| Linda    | Lewis          |
| Sharon   | Lockwood       |
| Michael  | Lonergan       |
| Tom      | Luce           |
| Sharon   | Moldanado      |
| Leah     | Mazel          |
| Colin    | Mickle         |
| George   | Millikan       |
| Sally    | Nelson         |
| Roger    | Newman         |
| Henry    | Norr           |
| Jim      | Novosel        |
| Linda    | Olivenbaum     |
| Edward   | Opton          |
| Ben      | Palmquist      |
| Leonard  | Pitt           |
| Rivka    | Polatnick      |
| Tirzah   | Riley          |
| Ruth     | Rosen          |
| Joel     | Rubenzahl      |
| William  | Savidge        |
| Marty    | Schiffenbauer  |
| Candice  | Schott         |
| Cindy    | Shamban        |
| Jennifer | Shanoski       |
| Margo    | Sheuler        |
| Leah     | Simon-Weisberg |
| Julie    | Sinai          |

|             |               |
|-------------|---------------|
| Wade        | Skeels        |
| Win         | Skeels        |
| Claudia     | Smelser       |
| Benita      | Smith         |
| Sage Linda  | Spatz         |
| Nancy       | Strohl        |
| Jean        | Tepperman     |
| Alfred      | Twu           |
| Michael     | Weber         |
| Susan       | Wengrofsky    |
| Cameron     | White         |
| Judith      | White         |
| Christopher | Wiggs         |
| Carol       | Wilkins       |
| Lila        | Wilkinson     |
| Tony        | Wilkinson     |
| Nicholas    | Gonzalez-Yuen |
| Lea         | Zalinkis      |

**Benado, Tony**

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**From:** Jack Kurzweil <jack.kurzweil@gmail.com>  
**Sent:** Tuesday, January 9, 2024 4:50 PM  
**To:** All Council  
**Cc:** wdrc@groups.io  
**Subject:** San Francisco Supervisors Pass a Gaza Ceasefire Resolution - Why Not Berkeley?  
**Attachments:** SF CeasefireRes.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

**Benado, Tony**

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**From:** Jack Kurzweil <jack.kurzweil@gmail.com>  
**Sent:** Wednesday, January 10, 2024 1:04 PM  
**To:** All Council  
**Subject:** Supes approve Gaza ceasefire resolution by an 8-3 supermajority

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

<https://48hills.org/2024/01/supes-approve-gaza-ceasefire-resolution-by-an-8-3-supermajority/>

What moves me about the process in San Francisco is that the Supervisors, divided as they were, were willing to engage in open debate, to compromise, AND to publicly vote No even though who were opposed were in the minority.

It is the absence that kind of openness that distresses me about the process - or absence thereof - in Berkeley.

Jack Kurzweil

**Thomsen, Rose**

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**From:** Linda P. Wulf <lindapwulf@gmail.com>  
**Sent:** Saturday, January 6, 2024 2:28 PM  
**To:** Berkeley Mayor's Office  
**Cc:** All Council  
**Subject:** Resolutions on the Hamas-Israel conflict

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin,

As members of the Berkeley community, we are so grateful for your position that it is not appropriate to divide the community by voting on contentious and divisive international issues. We were at both the Berkeley City Council and the Alameda City Council meetings and although both ended "well," the scars are still felt by us.

I thought you might find relevant the painful email I sent below after the latter meeting.

Yours sincerely,  
 Linda Press Wulf and Dr. Stanley Wulf MD  
 1016 Cragmont Ave  
 Berkeley, CA 94708

----- Forwarded message -----

**From:** Trish Spencer <tspencer@alamedaca.gov>  
**Date:** Wed, Jan 3, 2024 at 10:52 PM  
**Subject:** Re: The Hamas-Israel conflict  
**To:** Linda P. Wulf <lindapwulf@gmail.com>  
**Cc:** Jennifer Ott <jott@alamedaca.gov>, Nishant Joshi <njoshi@alamedaca.gov>, Yibin Shen <yshen@alamedacityattorney.org>

Dear Ms. Wulf,

I want to thank you for sharing this. I'm very sorry you experienced this. Sadly, I could hear some of the noise and see some of the expressions and body language during the Council meeting but I didn't know the extent.

I have shared with Staff video that was shared on social media of some exiting City Hall after the meeting and, by copy of this email, am sharing your email so that they're also aware and can try to help improve the environment in the future.

Sincerely,



Trish Herrera Spencer  
Councilmember  
510-552-0555

**From:** Linda P. Wulf <lindapwulf@gmail.com>

**Sent:** Wednesday, January 3, 2024 9:11:22 PM

**To:** mezzashcraft@alamedaca.gov <mezzashcraft@alamedaca.gov>; tdaysog@alamedaca.gov

<tdaysog@alamedaca.gov>; mvella@alamedaca.gov <mvella@alamedaca.gov>; tspencer@alamedaca.gov

<tspencer@alamedaca.gov>; tjensen@alamedaca.gov <tjensen@alamedaca.gov>; LP W <lindapwulf@gmail.com>

**Subject:** [EXTERNAL] Re: The Hamas-Israel conflict

Dear Mayor and council members,

At the council meeting:

I would like to write down for you my distress as I sit here at the council meeting hearing people around me mutter “murderers,” “bloodthirsty,” and more. I am hearing the dismissive, exasperated jeers and laughter when antisemitism is mentioned, when Oct 7 is mentioned, when beheadings are mentioned, when the Holocaust is mentioned. This council meeting has permitted without interruption numerous public calls of “from the river to the sea” (a notorious expression which means very clearly the elimination of the Jewish state).

Written later when I reached home:

Near the end, dejected and disappointed by the false accusations of people who know little about the complexities of the conflict, my husband and I left. Outside the exit door, in the dark and rain, a young woman walking back inside says into her keffiyah as we pass her, “Is seeing dead kids like porn to you?”

The atmosphere was polarizing to an extreme, with visceral relations between two grieving, angered groups. I returned home feeling definitely less positive and trusting towards Muslim members of the local community than I was before tonight. I know that was never your intention but it could have been foreseen.

The morning after:

We have read the report on the last hour or two of the meeting. There is relief that the letter was not approved. Was our attendance, the ugliness, then worthwhile, despite the scarring? It should never have happened.

Perhaps the only benefit could come if you took the initiative to contact other city councils about to go through the same and share your experience in retrospect.

Thank you to those who did their best to stop this harm.

Linda Press Wulf

On Mon, Jan 1, 2024 at 6:31 PM Linda P. Wulf <[lindapwulf@gmail.com](mailto:lindapwulf@gmail.com)> wrote:

Dear Members of the Alameda City Council,

Regarding an item on the City Council agenda for January 2nd, 2024, pertaining to the Hamas-Israel conflict:

The issue is one of U.S. foreign policy. The Hamas-Israel conflict has no relevance to the Alameda City Council and seems thus to be a distraction from the real issues facing Alameda. The fact that the council meeting is expected to go on until the small hours of morning is an illustration of the hours being diverted from effective local government.

A resolution on this subject serves only to divide the people, to stimulate hate-filled accusations, and to increase feelings of antagonism and us-versus-them attitudes.

By international law, it is incumbent on Hamas to return to the ceasefire it broke on Oct 7 by beginning a barrage of many thousands of rockets across the border, to release hostages unconditionally, and

to stop sheltering below civilian institutions such as schools and hospitals.

But the argument is moot for the Alameda City Council, because such national and international issues are not part of local government.

Yours,

Linda Press Wulf and Stanley Wulf M.D.

**Thomsen, Rose**

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**From:** sandy slauson <sslau99950@aol.com>  
**Sent:** Saturday, January 6, 2024 3:24 PM  
**To:** All Council  
**Subject:** Communication for the Jan 16, 2024 regular Council meeting.  
**Attachments:** Untitled.PDF - Adobe Acrobat Pro.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

City Clerk:

For your action. Thanks.

Stephen Slauson

Berkeley City Council  
City Hall  
Berkeley, CA 94501

Attn: City Clerk

Subject: Communication Requesting America End All Military Aid to Israel for the Jan 16, 2024  
Regular City Council Meeting

Dear Mayor Arreguin and Council Member:

This is a request for the City of Berkeley to issue a resolution to end all military aid to Israel.

You, I and all the voters of Berkeley have been supplying the planes, bombs, tanks, munitions and military hardware, at no cost to Israel, that are being used to kill innocent men, women and children in the Gaza strip. Berkeley Voters will not pay for the planes, bombs, tanks, munitions and military hardware that have been used to kill innocent men, women and children. Berkeley demands our government end all military aid to Israel now and repossess all planes, tanks, munitions that haven't been paid by Israel. Berkeley demands Israel repay America for all the military aid furnished to Israel. Israel has misused the American military aid to kill innocent men, women and children.

Israel has the right to defend itself, but America isn't going to pay for it.

Israel has been selling our military secrets to Russia for decades. Israel has built up a weapons manufacturing facility by stealing America's technology from the weapons America supplied to Israel and repackaged them as an Israel product and sold them to our enemies.

Berkeley will not support the blatant slavery treatment of the Palestine people by Israel.

Berkeley will not support any retaliation against American Jews for the war between Hamas and Israel. There are many American Jews who want nothing to do with Israel – it isn't their belief in the Jewish faith.

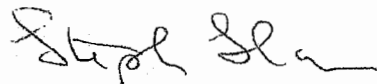
Berkeley will not support any retaliation against American Muslims for the war between Hamas and Israel – it isn't their belief in the Muslim faith.

Berkeley demands our government withdraw from the Middle East now. There is no benefit to America in maintaining a presence in the Middle East.

Berkeley demands Israel bring to justice the Hamas fighters that killed innocent women and children. This must be done with standard law enforcement practice with no killing of innocent men, women and children.

Please pass and send this Resolution to Senator Padilla, Senator Butler and Assemblywomen Lee.

Thank you for your consideration.



Stephen Slason  
Candidate for Congressional District 12

**Thomsen, Rose**

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**From:** Karen Davis <kdavis@cafilm.org>  
**Sent:** Friday, January 5, 2024 8:38 PM  
**To:** All Council  
**Subject:** Ceasefire in Gaza petition

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please add my name to those already voicing support for a Resolution calling for a ceasefire in Gaza. Thank you.  
The undersigned resident of Berkeley requests that the Berkeley City Council pass a Resolution calling for a CEASEFIRE in Gaza and an end to the killing and destruction there.

Sincerely,

Karen Davis

Berkeley resident 1978-present

--

**Thomsen, Rose**

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**From:** Jane White <jane@archive.org>  
**Sent:** Monday, January 8, 2024 11:37 AM  
**To:** City Clerk  
**Subject:** Cease fire now

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

"Our destiny lies in understanding that humility leads to enlightenment and that hubris leads to extinction."  
Paul Falkowski

Jane White  
2014 Rose St.  
Berkeley, CA 94709

510-205-2245

**Thomsen, Rose**

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**From:** STEPHANIE THOMAS <thomasds@flash.net>  
**Sent:** Monday, January 8, 2024 11:56 AM  
**To:** Berkeley Mayor's Office; Harrison, Kate; Bartlett, Ben; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; ttapin@cityofberkeley.info; Kesarwani, Rashi; Humbert, Mark; City Clerk; City Manager  
**Subject:** Ceasefire Resolution

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Councilmembers,

Sending Good Wishes for the Year 2024.

Now that the new year has arrived it is time, w/ no more delays, to have Berkeley join other cities who have had or who are working on a permanent Ceasefire resolution for Israel / Palestine.

Children, families, journalists, medical workers, and all of nature are beyond suffering at this point. Homes destroyed, hospitals demolished, humanitarian aid only trickling in while more than a quarter of the population is starving.

Vacation is over- time to do your job for us Berkeley residents. Represent our views and earn your salaries. Prepare a strong Ceasefire now.

Thanks in advance for moving Berkeley back to it's progressive reputation!

Stephanie Thomas  
Berkeley resident 55 years



**Thomsen, Rose**

---

**From:** Cynthia Moore <cynthia@corecounseling.com>  
**Sent:** Monday, January 8, 2024 12:00 PM  
**To:** All Council  
**Subject:** ceasefire resolution

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am in full support of a ceasefire resolution for the Israel/Hamas war.

**Thomsen, Rose**

---

**From:** Michael Weber <michaeljohnweber1@gmail.com>  
**Sent:** Monday, January 8, 2024 1:01 PM  
**To:** All Council  
**Subject:** Cease Fire Now in The Gaza Strip

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please City Council, vote to have a resolution to cease fire in The Gaza Strip!

**Thomsen, Rose**

---

**From:** Michael Weber <michaeljohnweber1@gmail.com>  
**Sent:** Monday, January 8, 2024 2:25 PM  
**To:** City Clerk  
**Subject:** Cease fire on the Gaza Strip

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Will you please vote to resolve to immediately have a cease fire in the Gaza Strip?

Thank you

**Benado, Tony**

---

**From:** Sally Nelson <sallynels7@gmail.com>  
**Sent:** Monday, January 8, 2024 8:19 PM  
**To:** Berkeley Mayor's Office; Harrison, Kate; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Manager, C; City Clerk  
**Subject:** Berkeley Must Pass a Ceasefire Resolution re; the Israeli Assault on Palestinians

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and Members of Berkeley's City Council,

I strongly urge you to pass a resolution that supports a ceasefire in Palestine and Israel.

Already, today on January 8, 2024, over 23,000 Palestinians have been killed since early October. So very many of the dead are children and women. Those still under the rubble haven't been counted. I can't even begin to think of what the numbers will be on January 16, when you next meet.

Is there some way Berkeley's resolution can call for (i.e.require) humanitarian aid: food, clean water, sanitation facilities, medical care, shelter, and trauma care to those Palestinians and Israelis who miraculously survive. Many are now on the edge of famine and rampant disease.

Please vote with your heart, compassion, and sense of humanity. We are a global community.

Vote to support a ceasefire resolution. It will benefit Israelis and Palestinians alike.

Respectfully,

Sally Nelson  
2200 McGee Avenue  
Berkeley, CA 94703  
sallynels7@gmail.com  
510-502-1927 text  
510-548-3867 landline

**Benado, Tony**

---

**From:** Gael Alcock <gael@glotrans.com>  
**Sent:** Monday, January 8, 2024 7:39 PM  
**To:** City Clerk  
**Cc:** All Council  
**Subject:** Ceasefire resolution

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear councilmembers and city clerk,

In considering the ceasefire resolution, I think the city council's time is well spent. This matter involves residents because we believe our government's actions violate international law and respect for human life. Whether or not it is effective, a collective statement says that we belong to a community that respects law and universal human rights. The state of Israel is committed to months of continual bombardment in which thousands are added to the death toll every week. Please vote your conscience, and add your voice to demand a ceasefire.

Respectfully,  
Gael Alcock,  
Berkeley resident

**Benado, Tony**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Monday, January 8, 2024 6:19 PM  
**To:** All Council; City Clerk; Berkeley Mayor's Office  
**Subject:** Not politics but humanity: CEASEFIRE NOW!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council:

Please think beyond national boundaries and religious affiliations, and RAISE A VOICE for CEASEFIRE.

Someone -- perhaps you? -- must explain to me how the ongoing slaughter of civilians, especially children and women, and the strategies of starvation and displacement, and the targeted bombing of hospitals, journalists, poets, UN staff, schools, and shelters (that the Israeli govt has promised were safe) are justified.

**Make a moral statement. Condemn Hamas for October 7th, ask for the immediate release of hostages, reconfirm that Israel has a right to exist but please demand CEASEFIRE NOW.**

Summer Brenner  
Berkeley resident 45 years

**Benado, Tony**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Tuesday, January 9, 2024 5:55 PM  
**To:** All Council; City Clerk  
**Subject:** SF, Oakland, Richmond Have Passed a Gaza Ceasefire Resolution - Why Not Berkeley?  
**Attachments:** SF CeasefireRes.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Over and over, Berkeley citizens have asked the Council to consider a CEASEFIRE Resolution.

Please read SF's Ceasefire Resolution (attached). It's **measured, inclusive, and humane.**

Summer Brenner  
40+ years resident

FILE NO.

RESOLUTION NO.

1 [Calling for Sustained Ceasefire in Gaza, Humanitarian Aid, Release of Hostages, and  
2 Condemning Antisemitic, Anti-Palestinian, and Islamophobic Rhetoric and Attacks]

3 **Resolution calling for a sustained ceasefire in Gaza, humanitarian aid, release of**  
4 **hostages, and condemning antisemitic, anti-Palestinian, and Islamophobic rhetoric and**  
5 **attacks.**

6  
7 WHEREAS, All human life is precious, and the targeting of civilians is a violation of  
8 international humanitarian law; and

9 WHEREAS, Between October 7 and December 4, 2023, armed violence has claimed  
10 the lives of at least 15,000 Palestinians and over 1,200 Israelis, and wounded thousands  
11 more; and

12 WHEREAS, An estimated 1,700,000 Palestinians have been displaced from Gaza  
13 since October 7, 2023; and

14 WHEREAS, Hundreds of thousands of lives are at imminent risk in Gaza without a  
15 sustained ceasefire and without massive humanitarian relief; and

16 WHEREAS, The lives of more than 137 remaining Israeli hostages in Gaza are also at  
17 imminent risk; and

18 WHEREAS, The United States Government currently provides substantial military  
19 funding to Israel; and

20 WHEREAS, On October 26, 2023, the United Nations (UN) General Assembly adopted  
21 a resolution calling for an "immediate, durable and sustained humanitarian truce" between  
22 Israeli forces and Hamas militants in Gaza, and various other international humanitarian  
23 organizations have similarly called for a sustained ceasefire; and  
24  
25



1 WHEREAS, A growing number of cities around the country have called for a ceasefire;  
2 and

3 WHEREAS, A growing number of labor unions have recently called for a ceasefire,  
4 including local unions in San Francisco that represent City workers, some of whom are  
5 reporting higher instances of anti-Palestinian racism, Islamophobia, antisemitism, and  
6 xenophobia as they perform their job duties; and

7 WHEREAS, On November 21, 2023, the Biden Administration announced an  
8 agreement to a four-day pause in hostilities, the release of at least 50 Israeli hostages, and  
9 the release of 150 Palestinian prisoners; and

10 WHEREAS, On November 24, 2023, the four-day pause in hostilities began, and was  
11 extended two days on November 28, 2023; and

12 WHEREAS, On November 27, 2023, the UN Secretary General issued a statement  
13 urging that “[t]he dialogue that led to the agreement must continue, resulting in a full  
14 humanitarian ceasefire, for the benefit of the people of Gaza, Israel and the wider region;” and

15 WHEREAS, The temporary pause ended on December 1, 2023, and was immediately  
16 followed by aerial bombardment and rocket fire; and

17 WHEREAS, Many San Franciscans have deep connections to Israel, Gaza, and the  
18 region, including family, friends, and loved ones there; and

19 WHEREAS, Following the brutal attack by Hamas militants on Israelis on October 7,  
20 2023, San Francisco Israelis, Jews and others have experienced, and continue to experience,  
21 shock, trauma, grief, and fear, compounded by rising antisemitism in our nation and our city;  
22 and

23 WHEREAS, Israel’s sustained and devastating military assault on Gaza since October  
24 7th has caused San Francisco Palestinians, Muslims and others to experience, and continue  
25

1 to experience, shock, trauma, grief, and fear, compounded by rising anti-Palestinian racism  
2 and Islamophobia in our nation and our city; and

3 WHEREAS, Antisemitic, anti-Palestinian, Islamophobic, and xenophobic rhetoric and  
4 attacks are on the rise across the nation and in San Francisco; now, therefore, be it

5 RESOLVED, That the San Francisco Board of Supervisors calls for a sustained  
6 ceasefire, provision of life-saving humanitarian aid in Gaza, and the release of all hostages;  
7 and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the Biden  
9 Administration and Congress to call for a ceasefire, humanitarian aid, and the release of all  
10 hostages; and, be it

11 FURTHER RESOLVED, That the San Francisco Board of Supervisors condemns  
12 antisemitic, anti-Palestinian, Islamophobic, and all xenophobic rhetoric and attacks.

**Benado, Tony**

---

**From:** Mary Ann Gallagher <magallagher3@gmail.com>  
**Sent:** Monday, January 8, 2024 5:11 PM  
**To:** City Clerk  
**Subject:** In favor of a Cease Fire Resoluiom

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am in favor of a Cease Fire resolution.

And I know it's a complicated situation beyond my clear understanding. I do think, though, that a resplution does keep the administration creatively and intelligently, we hope, to stop the killing of so many innocents.

Appreciatively.  
Mary Ann

Mary Ann Gallagher, PhD  
ParCenTra (Participant Centered Transformation)  
510 649-1375 (C)

***Power without love is reckless and abusive, and love without power is sentimental and anemic. Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.***

**Martin Luther King**

**Benado, Tony**

---

**From:** Jocelyn E. Goldsmith- De Sena <jocelyn.e.goldsmith@gmail.com>  
**Sent:** Tuesday, January 9, 2024 6:47 PM  
**To:** All Council  
**Subject:** San Francisco Supervisors Approve Gaza Cease-Fire Resolution | KQED

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello City Council-

Can we try this again? Council Member Bartlett- I urge you to reintroduce your draft ceasefire resolution. Clearly this can and should be done. It's time for you all to work together and show that Berkeley still has moral courage.

San Francisco Supervisors Approve Gaza Cease-Fire Resolution | KQED

<https://www.kqed.org/news/11972100/san-francisco-supervisors-approve-gaza-cease-fire-resolution>

Sincerely,  
Jocelyn Goldsmith- De Sena  
1720 Delaware St #4  
Berkeley, CA, 94703

**Benado, Tony**

---

**From:** Stephanie Allan <stepbad@yahoo.com>  
**Sent:** Tuesday, January 9, 2024 5:41 PM  
**To:** All Council; Jack Kurzweil  
**Cc:** wdrc@groups.io  
**Subject:** Re: San Francisco Supervisors Pass a Gaza Ceasefire Resolution - Why Not Berkeley?

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.  
Gee and all we asked was a one-sentence call for a ceasefire. SA

On Tuesday, January 9, 2024 at 04:49:55 PM PST, Jack Kurzweil <jack.kurzweil@gmail.com> wrote:

FILE NO.

RESOLUTION NO.

1 [Calling for Sustained Ceasefire in Gaza, Humanitarian Aid, Release of Hostages, and  
2 Condemning Antisemitic, Anti-Palestinian, and Islamophobic Rhetoric and Attacks]

3 **Resolution calling for a sustained ceasefire in Gaza, humanitarian aid, release of**  
4 **hostages, and condemning antisemitic, anti-Palestinian, and Islamophobic rhetoric and**  
5 **attacks.**

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7 WHEREAS, All human life is precious, and the targeting of civilians is a violation of  
8 international humanitarian law; and

9 WHEREAS, Between October 7 and December 4, 2023, armed violence has claimed  
10 the lives of at least 15,000 Palestinians and over 1,200 Israelis, and wounded thousands  
11 more; and

12 WHEREAS, An estimated 1,700,000 Palestinians have been displaced from Gaza  
13 since October 7, 2023; and

14 WHEREAS, Hundreds of thousands of lives are at imminent risk in Gaza without a  
15 sustained ceasefire and without massive humanitarian relief; and

16 WHEREAS, The lives of more than 137 remaining Israeli hostages in Gaza are also at  
17 imminent risk; and

18 WHEREAS, The United States Government currently provides substantial military  
19 funding to Israel; and

20 WHEREAS, On October 26, 2023, the United Nations (UN) General Assembly adopted  
21 a resolution calling for an "immediate, durable and sustained humanitarian truce" between  
22 Israeli forces and Hamas militants in Gaza, and various other international humanitarian  
23 organizations have similarly called for a sustained ceasefire; and  
24  
25

1           WHEREAS, A growing number of cities around the country have called for a ceasefire;  
2   and

3           WHEREAS, A growing number of labor unions have recently called for a ceasefire,  
4   including local unions in San Francisco that represent City workers, some of whom are  
5   reporting higher instances of anti-Palestinian racism, Islamophobia, antisemitism, and  
6   xenophobia as they perform their job duties; and

7           WHEREAS, On November 21, 2023, the Biden Administration announced an  
8   agreement to a four-day pause in hostilities, the release of at least 50 Israeli hostages, and  
9   the release of 150 Palestinian prisoners; and

10          WHEREAS, On November 24, 2023, the four-day pause in hostilities began, and was  
11   extended two days on November 28, 2023; and

12          WHEREAS, On November 27, 2023, the UN Secretary General issued a statement  
13   urging that “[t]he dialogue that led to the agreement must continue, resulting in a full  
14   humanitarian ceasefire, for the benefit of the people of Gaza, Israel and the wider region;” and

15          WHEREAS, The temporary pause ended on December 1, 2023, and was immediately  
16   followed by aerial bombardment and rocket fire; and

17          WHEREAS, Many San Franciscans have deep connections to Israel, Gaza, and the  
18   region, including family, friends, and loved ones there; and

19          WHEREAS, Following the brutal attack by Hamas militants on Israelis on October 7,  
20   2023, San Francisco Israelis, Jews and others have experienced, and continue to experience,  
21   shock, trauma, grief, and fear, compounded by rising antisemitism in our nation and our city;  
22   and

23          WHEREAS, Israel's sustained and devastating military assault on Gaza since October  
24   7th has caused San Francisco Palestinians, Muslims and others to experience, and continue  
25

1 to experience, shock, trauma, grief, and fear, compounded by rising anti-Palestinian racism  
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9 Administration and Congress to call for a ceasefire, humanitarian aid, and the release of all  
10 hostages; and, be it

11 FURTHER RESOLVED, That the San Francisco Board of Supervisors condemns  
12 antisemitic, anti-Palestinian, Islamophobic, and all xenophobic rhetoric and attacks.



**Benado, Tony**

---

**From:** John or Barbara Erickson <nalongo1511@gmail.com>  
**Sent:** Wednesday, January 10, 2024 10:06 AM  
**To:** All Council  
**Subject:** Berkeley an outlier

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Richmond, Oakland, and now San Francisco. When is Berkeley going to show some sense of humanity? Kudos to those, such as Kate Harrison, who show some backbone! The rest of you will never get my vote. Ceasefire now!

Barbara Erickson  
1511 Edith St  
Berkeley 94703

**Thomsen, Rose**

---

**From:** John or Barbara Erickson <nalongo1511@gmail.com>  
**Sent:** Friday, January 5, 2024 3:47 PM  
**To:** All Council  
**Subject:** No ceasefire? No vote!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

No member of the council who refuses to support a permanent ceasefire is getting my vote ever! The moral choice is so obvious here that no excuses for withholding support hold water. It's either support the continued killing of innocent women and children or support a ceasefire.

Barbara Erickson  
1511 Edith St  
Berkeley 94703

**Benado, Tony**

---

**From:** Cooney, Jamie  
**Sent:** Wednesday, January 10, 2024 1:02 PM  
**To:** Berkeley Mayor's Office; All Council; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Subject:** FW: Call for Resolution of Support & Divestment

Internal

Hello Mayor and Council Members,

Again, I am writing to you as an employee, a Jew, and a proud member of the Berkeley community.

In light of [San Francisco's resolution](#), which passed recently, I implore you to reconsider a resolution for a ceasefire. I stand by everything I said in my message below, I don't think I can say it any better – I hope you take the time to read it.

Again, I remind you, history is watching us.

In solidarity,

**Jamie Cooney** | Hazardous Materials Specialist II | **City of Berkeley**  
 Planning Department | Toxics Management Division  
 Office (510) 981-7408 ◦ Cell (510) 529-1924

 *Please consider the environment before printing this e-mail*

**From:** Cooney, Jamie  
**Sent:** Friday, November 3, 2023 4:54 PM  
**To:** Berkeley Mayor's Office <Mayor@berkeleyca.gov>  
**Subject:** Call for Resolution of Support & Divestment

Internal


Hello Mayor Arreguín,

During my 15 minute break this afternoon, I attended the Free Palestine protest at City Hall and was moved by the stories and calls to action. I have been an employee with the City for 5 years and I am an Ashkenazi Jewish woman myself, and I do not support the occupation or bombing of Palestine. Gaza is an open-air prison and the actions by my people are heinous war crimes. October 7<sup>th</sup> was a dark day for Jews everywhere, and was an act of terrorism. However, that does not excuse ethnic cleansing. I cannot see any utility in Israel's bombing campaign - I fear all this does is radicalize some Gazans further and harm many more in the process. It is clear that Israel is not pursuing a two-state solution the way us Americans like to pretend they are, and Netanyahu openly calls for genocide regularly.

I will never forget learning about South African apartheid as a teenager and my mom telling me that she did sit-ins at Rutgers Law School to protest it. I felt so proud of her. I think about what I might tell my kids some day and I know I have to speak up.

As an employee and a Jew, I am calling on you to support divestment from Israel and to call out the ethnic cleansing like City of Richmond already has. History is watching us: what side will we stand on?

Respectfully,  
**Jamie Cooney** | Hazardous Materials Specialist II | **City of Berkeley**  
Planning Department | Toxics Management Division  
Office (510) 981-7408 o Cell (510) 529-1924

 *Please consider the environment before printing this e-mail*

**Benado, Tony**

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**From:** Esha Potharaju <esharaju@berkeley.edu>  
**Sent:** Wednesday, January 10, 2024 2:59 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Cerami, Sara; Gerstein, Beth; Aguilar-Canabal, Diego; Hernandez Story, Ruben; Chang, James; Posner, Tina; Naso, Christopher; Wolan, Aleksandra; Russell, Gordon; McWhorter, Laurie; Greenberg, Sam; Pugh, Eliza; Panzer, Eric; McCormick, Jacquelyn; Wilson, Genevieve; Skjerping, Lars; Elgstrand, Stefan  
**Subject:** Demand for the People's Ceasefire Resolution

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Council Members,

I am [state affiliation to the city of Berkeley] and I am writing to urge you to pass a formal resolution that calls for an immediate and permanent ceasefire in Gaza. We want you to pass either the People's Resolution or Councilmember Ben Bartlett's resolution with NO amendments.

Several council members have revealed their allegiance to special interest groups, and have not shown good faith. Many of you have neglected to meet with the Berkeley community's diverse voices who have been demanding a ceasefire. Instead, you are advocating against a ceasefire resolution and running away from us during city council meetings. You need to listen to us, not ignore us.

Berkeley has historically been on the forefront of anti-war, civil rights and human rights movements. Berkeley bravely led the charge to divest from apartheid South Africa. Refusing to call for a ceasefire or trying to pass a resolution that is aligned with a genocidal government is a stain on Berkeley's progressive history.

Israel's bombardment of Gaza since October 7, 2023 has shocked the entire world, even though this is the 5th military assault on Gaza since 2008. The people in Gaza who are still alive have now 16 years under siege and survived 5 wars, and this one is the most extreme. Israeli's military has now killed over 18,000 Palestinians and over 8,000 of them are children. Israel has broken many international laws, including preventing the entry of food, water, fuel, and humanitarian aid into Gaza. Israel has also forced over 1.7 million people from their homes in an act of ethnic cleansing, as defined by the United Nations.

The dehumanization of Palestinians and extreme escalation in violence is no doubt the final stage of genocide. The United Nations and human rights organizations and

leaders around the world have called for an immediate ceasefire and unrestricted humanitarian aid to the people of Gaza, citing numerous violations of international law. But our own national leaders have not, and are instead offering MORE unconditional military aid to Israel as it completely destroys Gaza.

We, your constituents, demand our local elected officials to exercise their power to influence our state representatives and senators to call for a permanent ceasefire. Our heads of state are ignoring our demands, so we need your help to amplify our voices. We cannot stay silent while our taxes fund the extermination of the Palestinians. This issue WILL determine elections next November, as the people will refuse to vote for anyone who stays silent when our government commits genocide.

We, the people of Berkeley, have sent you hundreds of emails with text of a resolution drafted by your constituents. The following cities have also passed Resolutions for Ceasefire and Solidarity with Palestine as of November 29, 2023: Oakland, CA; Richmond, CA; Providence, RI; Cudahy, CA; Seattle, WA; and Easton, PA.

We demand that the City of Berkeley follows suit.

Sincerely,

[Your name]

[zip code if comfortable]

Sent from my iPhone

**Benado, Tony**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Sunday, January 14, 2024 8:05 PM  
**To:** All Council; City Clerk  
**Subject:** CEASEFIRE: GAG ORDER to Council

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council members:

As I've written before, this is **not** a political issue, it's a humanitarian catastrophe.

Many of your constituents, those who voted for YOU, those whom you may want to vote for YOU again, have written, attended, marched, declared, decried, pleaded with you for a **FULL discussion** of a CEASEFIRE RESOLUTION for GAZA.

from Council members: '**there are not enough votes;**' **OR** '**I will not take positions that have the potential to divide our community;**' **OR** **Council members of the Agenda and Rules Committee declaring their opposition to a CEASEFIRE Resolution.**

Have a public discussion. TAKE A MORAL STAND, one way or the other. If you are unanimous and cannot support a CEASEFIRE RESOLUTION, let us know. **PUT YOUR OPINION ON RECORD.**

If you cannot envision how to support the Palestinian people while condemning Hamas and acknowledging the Israeli hostages, then please read the Resolution from San Francisco as a guideline.

Thank you.  
Summer Brenner  
Jewish American  
40+ year resident

**Benado, Tony**

---

**From:** Diana <nicca@igc.org>  
**Sent:** Sunday, January 14, 2024 8:48 PM  
**To:** All Council  
**Subject:** Please vote tfor a casefire!!!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please vote tfor a casefire!!!  
Diana Bohn



**Benado, Tony**

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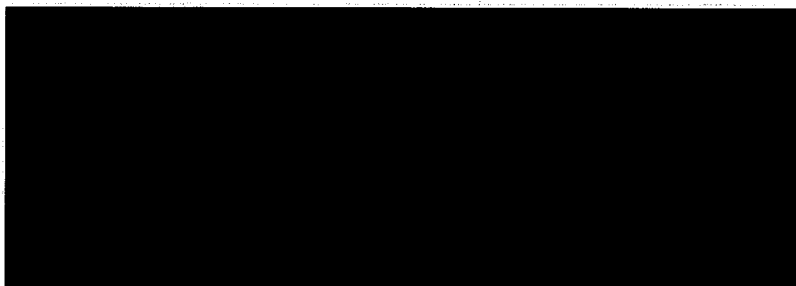
**From:** Dahlia Frydman <dahliafrydman@yahoo.com>  
**Sent:** Sunday, January 14, 2024 9:00 PM  
**To:** All Council  
**Subject:** Fw: Protesters screamed antisemitic and racist hate speech:

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,  
 I am not attending the meeting tomorrow because I no longer feel SAFE!

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters.

Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)).



### **Violence at El Cerrito protest leads to hate crime investigation**

It was supposed to be a peaceful demonstration in El Cerrito Saturday to call for a cease-fire in Gaza, but acco...

Despite hundreds of calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

**The Vice Mayor of Albany** was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take pro-active and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

please excuse typos; sent with thumbs

**Benado, Tony**

---

**From:** Elinor Tamari <elinortamari@gmail.com>  
**Sent:** Monday, January 15, 2024 6:49 AM  
**To:** All Council  
**Subject:** Protect our communities

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sent from Gmail Mobile

**Benado, Tony**

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**From:** Michael Kaye <michaelkaye70@gmail.com>  
**Sent:** Monday, January 15, 2024 8:23 AM  
**To:** All Council  
**Subject:** Please protect your Jewish Residents

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see local news coverage here and more footage here). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November (coverage here).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,  
Michael Kaye

**Benado, Tony**

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**From:** mincers.shroud\_0k@icloud.com  
**Sent:** Monday, January 15, 2024 9:04 AM  
**To:** All Council  
**Subject:** Denounce hate - NO to ceasefire resolution

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley city council members,

I'm asking to stop this divisive effort to pass a ceasefire resolution in our city as led by loud external voices. This is not what city residents want this council to be working on.

Last week, I was physically attacked in a hateful protest nearby, which the El Cerrito police is now investigating as a hate crime. I urge you to pass an official call to denounce hate and take a stand against antisemitism.

I'll remind you that Israel is an ally of the U.S. and a western democracy, while Hamas is a terror organization.

Any attempt to picture passing a ceasefire resolution as an act of resistance against "white supremacy" is misleading.

I'll remind you that Israelis are not "white". 75% of Israelis are NOT from European decent.

My grandparents were prosecuted in an Arab country and immigrated to Israel with zero property. They were forced to give up everything to be allowed to leave and live. They then lived in tents for years. However in the protest a man dressed in full Hamas custom yelled at me to "go back to Europe". This is ridiculous and shows how little knowledge people here have on our Jewish history.

EVEN if I were European, it was still a disgusting saying. Would it have been OK to yell "go back to XYZ" to a black person? No!

My family are in bomb shelters and my people are held hostage. ENOUGH.

Thank you,  
Israeli-American Mizrahi Jew

**Benado, Tony**

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**From:** Noga Alon <noga.h.alon@gmail.com>  
**Sent:** Monday, January 15, 2024 9:35 AM  
**To:** All Council  
**Subject:** Hate crimes at rally

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely,  
A concerned Berkeley resident

**Benado, Tony**

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**From:** Deborah Green <paintpeace@yahoo.com>  
**Sent:** Monday, January 15, 2024 9:50 AM  
**To:** City Clerk; Harrison, Kate  
**Subject:** Comments (!) for Agenda Tuesday, 1/16/24 (incl Israel/Palestine/IDF/Hamas)

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council,

I thought to come to City Council Tuesday night and speak in support of Berkeley making a resolution or statement for a ceasefire between Israel and the Palistinean people (as led by Hamas). But, the writing of a resolution is not on the agenda, so perhaps it is more efficient here to add my voice.

CEASEFIRE NOW, Two State Solution, Restore civil and citizen rights  
 for all Palistineans living or working in Israel,  
 Peace through [Non-Violent] Communication!

I taught public school. Bullying and fighting were not tolerated. All students were taught "to use their words". Non violent communication and conflict resolution through restorative justice practices were actively taught through all the grades. And then governments, the adults in the room, engage in extreme violence to silence the voices of their opposition. This is not what we teach our children. Berkeley, take a stand for local, national and international Peace through Communication (not violence).

It has not escaped me that The discrimination against Arabs and Palistineans is another version of thinly (or not so thinly) disguised racism. Government policies on all sides of the debate, any debate, are based on negative stereotypes of "the other". Berkeley, take a stand against hate and racism.

Perhaps, I might add, that I am Jewish- albeit I don't practice or go to temple, but I understand that I am still "the other" in the eyes of some. And still, I take a stand against the Israeli occupation of Palestine.

ALSO ON THE AGENDA:

YES - to ARTS funding

YES - to improving PARKS

Didn't learn more about many other agenda items that spend lots of money (!)- so I'll defer to no opinion.

Something is still not working with Berkeley's approach to chronic homelessness, unmanaged mental illness and public drug use.

Would like to see an accountability made public-

- a. how much money is being spent (look\$ like more i\$ on the agenda)
- b. how is it being spent

c. where has it shown the most effectiveness

THANK YOU!  
Deborah Green  
1816 Addison St

<http://paintpeace.wix.com/deborah-green>



**Benado, Tony**

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**From:** June Safran <junesafran@gmail.com>  
**Sent:** Monday, January 15, 2024 10:09 AM  
**To:** All Council  
**Subject:** Concern a out involvement in international issues

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

A terrible incident happened in Albany and could potentially happen in Berkeley. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because we have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this particular event.

**We do not need more vitriol and violence in our streets.**

I thank the Berkeley council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely yours,  
June Safran  
678 Arlington Ave  
Berkeley, CA 94707

**Benado, Tony**

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**From:** Barbara Schick <bschick2@earthlink.net>  
**Sent:** Monday, January 15, 2024 2:47 PM  
**To:** All Council  
**Cc:** Taplin, Terry; Hahn, Sophie; Wengraf, Susan; Kesarwani, Rashi; Bartlett, Ben; Harrison, Kate; Robinson, Rigel; Humbert, Mark; Berkeley Mayor's Office  
**Subject:** Take a strong stance against anti-Jewish hate and take pro-active actions to ensure residents' safety & rights to free speech

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Councilmembers,

**As a Berkeley resident, I strongly encourage this council to take a clear and strong stance against anti-Jewish hate and to take pro-active actions to ensure all residents' safety while responsibly exercising their rights to free speech.**

Last weekend, members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries, which was reported by local news outlets. Despite around a hundred calls to local police, there was no police response at the time of these incidents. A similar event in Los Angeles in November resulted in the death of Paul Kessler, an elderly Jewish man, when confronted by an anti-Israel protester.

While I respect everyone's rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I encourage and thank the council for keeping the focus of city council meetings on the important issues facing the city and that impact all city residents. I ask the following:

1. Keep focused on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear and strong stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely yours,



**Benado, Tony**

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**From:** Elana Auerbach <elanaarobyn@gmail.com>  
**Sent:** Monday, January 15, 2024 3:48 PM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** Have the Courage to Weigh In on a Ceasefire in Israel/Palestine

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Councilmembers~

I am a Jew who stands for PEACE. The only way peace will arise is if there is a permanent ceasefire. I urge you to bring forward a ceasefire resolution.

Several of you have mentioned that you don't want to bring such a resolution to the council to discuss because it will divide our community. NEWSFLASH: Our community is *already* divided.

We need our city leaders to acknowledge this and not shy away from the conflict. Only when this divide is recognized is bridging it possible.

Please have the courage and integrity to either bring a ceasefire resolution forward or state publicly that you are *against* a ceasefire.

Thank you~  
Elana Auerbach

**Benado, Tony**

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**From:** Esther Brass <estherbrass@gmail.com>  
**Sent:** Monday, January 15, 2024 4:32 PM  
**To:** All Council  
**Subject:** Let's support civil discourse, unite against threats and hate, embrace unity

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Mayor and City Council-members,

I write to you today on Martin Luther King Jr's birthday to express my concern about the increase in hate speech and aggressiveness in our area, and the increasing challenges to civil discourse. I commend the City Council for its efforts to decrease divisiveness.

I was very concerned and saddened to hear of Councilmember Robinson's resignation due to harassment, stalking, and threats from members of our community which reached the point of also affecting Councilmember Robinson's loved ones. I wonder if other city council members have also been subjected to threatening and aggressive behavior.

At the last few city council meetings of 2023, protestors were so disruptive that the City Council had to move to another room to conduct its business. This kind of behavior interrupts civil discourse and the City's efforts to address the many needs of its residents.

I was dismayed to hear that last weekend, at a Gaza protest in Albany and El Cerrito which Berkeley residents also attended, participants in this protest crossed the street to confront a smaller group of Jewish and Israeli counter-protesters, screamed antisemitic hate speech, stole signs and Israeli flags, and pushed people down.

We do not want hate, vitriol or violence in our streets against anyone in our diverse community. We do not want our public servants harassed, threatened or disrespected. I hope we can find additional ways to UNITE AGAINST HATE, threats and harassment. Very aptly, the theme of this year's Berkeley Martin Luther King Jr celebration is " Beyond the Dream - Embracing Unity." As one of the celebration speakers said, we must go beyond dreaming and act. We must find ways to better unite against hate and embrace unity in our community.

Esther Brass-Chorin  
Berkeley

-----  
I live and work on unceded Ohlone land. I pay a voluntary land tax as one way to be a good guest and support Indigenous life. Learn more [here](#).

**Benado, Tony**

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**From:** Allen Mayer <mayer.aj@gmail.com>  
**Sent:** Sunday, January 14, 2024 11:58 AM  
**To:** All Council  
**Subject:** Concerned about bringing global conflicts into our communities

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I am concerned about the increase in divisiveness and hate in our community. I am sure that you are aware of the anti-semitic speech and violent confrontation by anti-Israel demonstrators in Albany and El Cerrito last weekend. I am concerned that the Mayor of Albany, who spoke at the protest, has not acknowledged or condemned the hateful and violent acts against Jews at this event.

I would ask that the Councilmembers continue to focus on local issues and resist efforts to get involved in international conflicts, especially those that generate such hateful speech and actions on our streets. I thank the Councilmembers for addressing issues directly impacting our local community, and keeping our neighborhoods safe and welcoming for everyone.

Sincerely,  
Allen Mayer  
38 Arlington Ave  
Kensington, CA 94707

**Benado, Tony**

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**From:** D Dorenz <ddorenz@gmail.com>  
**Sent:** Thursday, January 11, 2024 10:07 PM  
**To:** All Council  
**Subject:** Re: Violence to prevent free speech at Demonstrations

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council members,

As a Jewish resident of Berkeley, who attended a demonstration to support Israel's right to defend itself against Hamas on Jan. 6th, 2024. I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel ceasefire protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters who were there to support Israel's right to defend its citizens and its people from Hamas' attacks in the future.

Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked a woman to the street causing minor injuries and manhandled another woman, wrestled with those holding pro Israel banners in an effort to rip the banners out of their hands. (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)). I personally witnessed this very frightening show of harassment and violence.

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event. The man who committed the hate crime of stealing and burning the Israeli flags is being charged with a hate crime. The police and FBI are looking for him. But this debacle was carried out by many more in his group of Pro Palestinian supporters.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you for taking positive actions to uphold these values for all of our citizens.

Sincerely,  
Dorit Dorenz



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Dorothea Dorenz

**Benado, Tony**

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**From:** Doreet Stein <doreetstein@gmail.com>  
**Sent:** Sunday, January 14, 2024 10:31 AM  
**To:** All Council  
**Subject:** Please Focus on City of Berkeley Business

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,  
Doreet Stein  
Berkeley Resident

--  
Doreet Stein  
[doreetstein@gmail.com](mailto:doreetstein@gmail.com)

**Benado, Tony**

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**From:** Robsun Coaching <robsuncoaching@gmail.com>  
**Sent:** Friday, January 12, 2024 7:52 AM  
**To:** All Council  
**Subject:** No hateful speech or actions against Jews or Israel in the East Bay!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Councilmembers,

I am a Berkeley resident. I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police - including Berkeley police - there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,

Robert Bonem

**Benado, Tony**

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**From:** Peggy Scott <plscott@stanfordalumni.org>  
**Sent:** Friday, January 12, 2024 3:14 PM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** NO Ceasefire Resolution please

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council,

**I know there is pressure on you to pass a Middle East Ceasefire Resolution. Please do not do that.**

You can stop reading right now if you want to, but here are my thoughts in case you are interested.

I don't know a person with both compassion and an understanding of history who does not recognize that there are two sides in this terrible conflict.

**Please let us agree that without the atrocities that Hamas inflicted on Israelis on Oct. 7, the situation as it exists today would not be our context.** Just in case you need a reminder, those atrocities include: homicide, infanticide, slitting open pregnant women, burning people alive, murdering parents in front of their children, gang rape, rape used as an instrument of war, kidnapping and further psychological torture that the hostages are undergoing now. Maybe there's more but that's enough from me.

I hope we can also agree that Netanyahu is a terrible leader, that his ultra-right policies are harmful and insidious, and that he, like Trump, is a narcissist whose main concern seems to be staying in power. Since January, there have been thousands of Israelis in the streets every Saturday, protesting his policies and calling for change. Personally, I think the people of Israel were better at protesting his ministry than we Americans were at protesting Trump's presidency. That said, the immoral way he is waging war, and **the death toll of Palestinian civilians, is a nightmare.**

You can see I am running out of words here to describe how bad the situation is.

IMHO Berkeley does not need a foreign policy about this Hamas vs. Israel war. The citizens of Berkeley who elected you have differing opinions about this war. Some of them favor one side, to the total exclusion of the other side. I think many are in the middle like me.

Nothing you can do or say will heal that division.

However, if you pass such a ceasefire resolution, you will be creating a terrible divisiveness, doing nothing to heal the divide but instead, taking one side and making the divide even greater. What an extraordinarily bad idea.

I guess it doesn't hurt to mention that having a foreign policy is not part of your mandate. Perhaps it was a good idea during the Vietnam War, but not here or now.

There are very few situations which I feel do not have two sides. A few that do have only one side, for me, are Nazism/fascism, homophobia, racism and terrorism.

The lines of territory that got demarcated in 1948 happened because a war was lost by one side and the victor won more territory. That happens in most wars, indeed it happened here in 1776, it happened all over Europe after WWI and WWII, all over Eastern Europe for the decades after WWII until somewhat recently, and we are watching it happen in Ukraine today. There has been little movement in Palestine and Israel because at least 3 times, whenever a settlement was on the table, Palestine refused a two-state solution, vowing instead to wipe Jews off the map. That was a dealbreaker.

I speak as someone whose grandfather was widely hated by his community in 1948 as an anti-Zionist Jew. He said then, and maintained for years, that as long as you simply take away someone's land, there will never be peace. He did a lot of work for refugees after WWII so he was clear that a solution was necessary, he just didn't think that the way Israel was originally founded would work. His words have certainly been proven true by both history and historians.

That's neither here nor there except to say that when people today talk about Palestinians being the indigenous people of the Holy Land, they seem to be forgetting the Jewish guy who was born around Dec. 25 in Bethlehem, which was about 570 years before Mohammad was born. Also that the First Temple in biblical Jerusalem was built around 1000 BCE

by people who had already lived there for a long time. In that area, both Jews and non-Jews endured numerous occupations and diaspora. Jews continued to be kicked out of numerous countries from Babylon to India, from Baghdad to China and Hong Kong, from Egypt, North Africa, Yemen, Turkey and Central Asia and parts of the Caucasus, (many had lived for many generations under Muslim rule during the Middle Ages) and from Spain, Poland, France, and you know the rest.

**Why am I writing all this? Because this is a very complex situation that is not well served by a simplistic ceasefire resolution that doesn't even mention the hostages or the atrocities of Oct. 7.**

If you have hung in there this long, thank you, and I hope you will heed my words and not buckle to the political views of just one side in this, an extremely sensitive area that is outside your bailiwick.

First, do no harm.

Sincerely,

Peggy Scott

Catalina Ave., right behind Pegasus books.

Peggy Scott [plscott@stanfordalumni.org](mailto:plscott@stanfordalumni.org) Mobile: 510-816-1960

"Do the best you can until you know better. Then when you know better, do better." Maya Angelou

"If there are no dogs in Heaven, then when I die I want to go where they went." -- Will Rogers

**Benado, Tony**

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**From:** Jesse Hernandez <jessehern121@gmail.com>  
**Sent:** Thursday, January 4, 2024 1:32 PM  
**To:** Bartlett, Ben; All Council; Harrison, Kate; Berkeley Mayor's Office; Humbert, Mark; Kesarwani, Rashi; Robinson, Rigel; Hahn, Sophie; Wengraf, Susan; Taplin, Terry  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.  
 Sincerely,  
 Jesse

## Thomsen, Rose

---

**From:** Ely Newman <elyinewman@gmail.com>  
**Sent:** Saturday, January 6, 2024 6:10 AM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 22,000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

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Thank you for your attention and commitment to making a difference.

Sincerely,  
Ely Newman  
Berkeley CA 94703

## Thomsen, Rose

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**From:** emilsleman@yahoo.com  
**Sent:** Saturday, January 6, 2024 12:24 AM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

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- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
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Thank you for your attention and commitment to making a difference.  
Sincerely,  
Emil S.



## Thomsen, Rose

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**From:** Gary Spicer <gary.spicer@synergycompanies.com>  
**Sent:** Friday, January 5, 2024 9:00 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

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Thank you for your attention and commitment to making a difference.  
Sincerely,

GARY SPICER

## Benado, Tony

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**From:** Caitlin Haas <caitlinelizabeth9@gmail.com>  
**Sent:** Thursday, January 11, 2024 7:47 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

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Sincerely,  
Caitlin Haas

