

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, March 12, 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 – VACANT

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

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

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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/1602817302>. 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: 160 281 7302** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call: 6:27 p.m.

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

Absent: None

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

Ceremonial Matters:

1. Recognition of the American Red Cross' 143rd Anniversary

City Manager Comments:

The City Manager provided an update on the progress of the Homeless Response Team.

City Auditor Comments:

The City Auditor provided an update on the employee retention audit.

Public Comment by Employee Unions: 1 speaker

Public Comment on Non-Agenda Matters: 17 speakers.

Action: M/S/C (Arreguin/Bartlett) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Revised Resolution for a Joint Homekey Application for University Homes.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to suspend the rules and allow for a 30-minute period for public comment with one-minute per speaker.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 13 speakers.

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

Vote: All Ayes.

Urgent Item: Revised Resolution for a Joint Homekey Application for University Homes

From: City Manager

Recommendation: Adopt a revised Resolution approving the following actions in support of the University Homes Homekey project by: 1. Authorizing the City Manager or her designee to prepare and submit a joint application together with Housing Consortium of the East Bay (HCEB) and Memar Properties, Inc. (Memar) for the State of California Housing and Community Development (HCD) Department's Homekey program for the University Homes permanent supportive housing project. 2. Authorizing the City Manager or her designee to take actions needed for the City's participation in HCD's Homekey program, including entering into HCD's Standard Agreement and any amendments.

Financial Implications: See report

Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400

Action: Adopted Resolution No. 71,228–N.S.

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

From: City Manager

Recommendation: Adopt a second reading of Ordinance No. 7,898–N.S. amending Title 23 of the Berkeley Municipal Code to streamline and clarifying the permitting process for small businesses in commercial districts ("C-Prefixed"), select manufacturing ("M-Prefixed") districts, and the Residential BART Mixed Use (R-BMU) and Residential Southside Mixed Use (R-SMU) zoning districts.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,898–N.S.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 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 - \$3,676,000

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

Action: Approved recommendation.

Consent Calendar

- 3. Grant Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART (NBB) BRIDGE Phase 1 Project.**
From: City Manager
Recommendation: Adopt a Resolution:

 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with BRIDGE Housing Corporation and/or their affiliates relating to grant applications to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) BRIDGE Phase 1 affordable housing project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
 2. Authorizing the City Manager to accept up to \$5.8 million in state AHSC funds and complete selected transportation improvements if awarded.

Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,229–N.S.

- 4. Application for Prohousing Incentive Program Funds**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.
Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,230–N.S.

- 5. Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,231–N.S.

Consent Calendar

- 6. Contract Amendment: WBCP, Inc. Recruitment Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,232–N.S.
- 7. Salary Adjustments: Electrical Supervisor and Communications Supervisor**
From: City Manager
Recommendation: Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,233–N.S.
- 8. Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members**
From: City Manager
Recommendation: Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,234–N.S.
- 9. Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Firehouse Subgrant application in the amount up to \$50,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: Grant - \$50,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,235–N.S.

Consent Calendar

- 10. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing 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 Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing 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 retroactively on May 1, 2023.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopt first reading of Ordinance No. 7,900–N.S. Second reading scheduled for March 26, 2024.
- 11. Filling Vacancies Among the Elected Representatives of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.
Financial Implications: See report
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400
Action: Adopted Resolution No. 71,236–N.S. amended to make the appointments effective on the adoption of the HWCAC reorganization ordinance scheduled for March 26, 2024.

Council Consent Items

- 12. Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park**
From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation.

Council Consent Items

13. Vision 2050 Community Engagement Expansion

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

Recommendation: Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot referenda for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028; and refer to the City Attorney for analysis of using the Community Engagement and Program Plan funds for community survey purposes.

Financial Implications: See report

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

Action: Approved the recommendation as written below and amended to include other clarifying edits in the report.

Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot measures for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028.

In the Recommendation section: changes the word "referenda" to "measures" to accurately state the type of ballot mechanism to be used.

Current Situation and its Effects, 2nd paragraph: delete the last sentence.

Rationale for Recommendation, 2nd paragraph amended as follows:

Using funds allocated for community engagement in order to gauge public opinion on this topic ~~and~~ explore additional discrete revenue sources would be a worthwhile investment ~~in building community consensus~~.

Rationale for Recommendation, 4th paragraph amended as follows:

The Measure P Real Property Transfer Tax increase is set to expire at the end of the 2028 calendar year. As of Fiscal Year 2024, the Measure P Program Fund is facing a structural deficit as costs outpace declining revenues. ~~In order to maintain broad community consensus on this revenue source for possible renewal~~ Evaluating continued revenue sources after the ten-year period for the special tax elapses, ~~articulating a common vision for expenditures from special tax funds~~ will likely remain essential for avoiding structural conflicts between operating budgets, including personnel costs, and capital budgets for key projects.

Council Consent Items

14. **Creating SHARE BERKELEY - A Berkeley Public Library Share Hub for Access, Resilience, and Equity**

From: Councilmember Hahn (Author)

Recommendation: 1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service SHARE hub for the City of Berkeley, providing a one-stop center for community members to:

- a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
- b. Access comprehensive, up-to-date information and referrals about community-based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and
- c. Receive need-based financial assistance to support access to community-based share/rental resources.

2. Consider categories of items that might be appropriate for an expanded Berkeley Public Library (BPL) in-house Lending Library, and which categories would be best accessed through other community share/rental resources such as REI, AAA, bike and party rental services, and other organizations serving Berkeley. 3. Consider expanding BPL's in-house Lending Library beyond the current portfolio of carpentry, gardening, kitchen, and other traditional tools to potentially include categories such as toys and games; event furniture and supplies; sports and recreation-related equipment; irons, floor polishing machines, and other household tools; and other durable items typically used on a limited basis by members of the community. 4. Create a plan to establish, maintain, and administer a comprehensive, one-stop reference/resource service for all share/rental/free opportunities available to Berkeley residents, including but not limited to ensuring access to a searchable database of resources and offering assistance and advice to individuals seeking information on share/rental/free opportunities. Consider a partnership with existing platforms and applications such as the Buy Nothing Project to foster connections between neighbors and support the goals of the circular economy. 5. For items to be shared/rented through outside lending or rental services, explore possibilities for SHARE BERKELEY to offer and/or administer City-based or other vouchers/subsidies for low-income residents to access borrowed/rented items from non-Library vendors at reduced or no cost. 6. Consider and propose storage, maintenance, repair, customer service, and other operational and space needs for an expanded in-house Lending Library and to house and administer the Share Hub resource center. 7. Consider start-up and ongoing costs for the expanded in-house Lending Collection and to establish and administer the Share Hub resource center, including but not limited to costs for equipment, materials, software/technology, staffing, and facilities. 8. In the course of researching categories of items to potentially add to the Library's in-house Lending Collections and in considering other elements of the Share Hub concept, conduct robust outreach to individuals and groups of diverse backgrounds, ages, and abilities to ensure services, offerings, and facilities equitably represent and serve all members of the community.

Financial Implications: See report

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

Action: Approved recommendation amended to state that all of the proposed

Council Consent Items

recommendations constitute requests for consideration and are not direction or referrals to the Library or the Library Director.

- 15. Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,237–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Wengraf to add Councilmember Humbert as a co-sponsor and amend the fourth Whereas clause in the resolution to read:

WHEREAS, If the CPUC grants AT&T relief from being the “Carrier of Last Resort” (COLR) and therefore AT&T stops providing copper-based landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable and internet is also not completely reliable, will be deprived of a dependable means of communication; and

Information Reports

- 16. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**
From: City Manager
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000
Action: Received and filed.

Adjournment

Action: M/S/C (Arreguin/Wengraf) to suspend the rules and adjourn the meeting.
Vote: All Ayes.

Adjourned at 8:02 p.m.

Communications

Middle Housing

1. Mike Dunham
2. Ross Bernet

3. Antoine Grondin
4. Nicolas McMullan
5. Gabe Mitnick
6. Andrew Meyer
7. Patrick Yoon
8. Michael Webster
9. Jacob Steinhardt
10. Hilary Near

Hate Incidents

11. Liberty Schubert
12. Itamar Landau
13. Councilmember Taplin

Nova Concert Survivor

14. Adam Naftalin-Kelman

Crime

15. Todd Andrew

Woolsey-Fulton Bicycle Project

16. Marc Hedlund
17. Jennifer Natali
18. David Hoffman (2)

Pedestrian and Bicycle Safety

19. Roger Hallsten
20. Riti Dhesi
21. Rachel Bradley (2)
22. Meredith Isaksen
23. Sierra Club Northern Alameda County

Hazardous Road Conditions

24. Ronald Nevels (2)
25. Jim Lutz (2)

Automated License Plate Readers

26. Diana Andreeva

Council Meeting Decorum

27. Andrea Cassidy

Aquatic Park

28. Cameron Bochman

Berkeley Unified School District (BUSD)

29. Dorothea Dorenz

30. BUSD Superintendent

Bay Wheels Bike Share

31. Alexander Merenkov

Reproductive Letter

32. Commission on the Status of Women

Homelessness

33. Jonny Ruel Holder

Home Insurance

34. Diane Wolf

SB 330

35. Virginia Warheit

Demolition Ordinance

36. Charlene Woodcock

37. Gary McDole

38. 20 similarly-worded form letters

North Berkeley BART Housing Project

39. Stefan Lasiewski

City of Berkeley Referrals

40. James McGrath

Climate and Environment Commission

41. Anna Kathawala

Climate Goals and Autos

42. Barbara Gilbert

People's Park

43. Sky Ocean

Gaza & Israel

44. Hillary Kilimnik (2)

45. Jocelyn Goldsmith-De Sena

46. Margaret Fouda

47. Michael Fullerton

48. 00.caveat-taxing@

49. Lian Mar

50. Karen Ung

51. Michelle Wong

- 52. Evelyn Zhai
- 53. Jon Jackson

URL's Only

- 54. Vivian Warkentin
- 55. Todd Jersey

Supplemental Communications and Reports 1

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 56. Ann Bedenk and Russell Babcock
- 57. Zohra Kalinkowitz
- 58. Carol Curtis

Supplemental Communications and Reports 2

Item #1: Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23

- 59. Police Accountability Board

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 60. Revised material, submitted by Councilmember Wengraf

Urgency Item: Revised Resolution for a Joint Homekey Application for University Homes

- 61. Urgency item, submitted by Health, Housing and Community Services

Supplemental Communications and Reports 3

Item #4: Application for Prohousing Incentive Program Funds

- 62. David Kellogg

Item #14: Creating SHARE BERKELEY – A Berkeley Public Library Share Hub for Access, Resilience, and Equity

- 63. Gail Tennant
- 64. Martha Staskawicz
- 65. Colleen Busch
- 66. Radha Seshagiri
- 67. David Sochowitzky
- 68. Sandra Niemann
- 69. Susan Halpern
- 70. Carol Hirth
- 71. Peggy Harris
- 72. Antonia Frankhujzen
- 73. Betsy Bigelow-Teller
- 74. Brian Harris
- 75. Janis Pearson
- 76. Marilyn Sagna

- 77. Maureen Wesolowski
- 78. Patricia St. John
- 79. Steve Taylor
- 80. Steve Meyers
- 81. Esther Brass
- 82. Christina Birch
- 83. Carol Curtis
- 84. Georgia Maslowski
- 85. Nicole Laddish
- 86. Kristina Sepetys
- 87. Helga Recke
- 88. Peter Metcalf
- 89. Karen Weil

Item #15: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

- 90. Anne and Senta Pugh
- 91. Mary Behm-Steinberg
- 92. Stephanie Thomas
- 93. Phoebe Anne Thomas Sorgren
- 94. cricketchatter@

Miscellaneous Communications

- 95. Ronald Regan & Eid and American Middle Class – Mr. Eid
- 96. Council Chambers Decorum – Susanne DeWitt