

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

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, 94708

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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/1614329714>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 432 9714**. 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: 6:20 p.m.

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

Absent: None

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

Ceremonial Matters:

1. Recognition of the 90th Anniversary of Berkeley Student Cooperative
2. Adjourned in Memory of Julia Elkin, Berkeley Resident
3. Presentation from the Health Officer: State of Public Health in Berkeley

City Manager Comments: None

Public Comment on Non-Agenda Matters: 20 speakers.

Recess 7:32 p.m. – 7:49 p.m.

Consent Calendar

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

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

Vote: All Ayes.

Consent Calendar

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

Consent Calendar

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

Consent Calendar

- 8. Accept Energy Efficiency and Conservation Block Grant Program Equipment Voucher**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to submit an application and an Energy Efficiency and Conservation Strategy to the U.S. Department of Energy (DOE), execute any related revenue agreements and amendments, and accept funds for an equipment voucher from the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program of up to \$174,290 for the two-year period of February 13, 2024 through February 13, 2026.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,221–N.S.
- 9. Contract: (Specification No. 24-11529-C) JJR Construction Inc. for FY 2024 Sidewalk Repair Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the FY 2024 Sidewalk Repair Project; 2) Accepting the bid of JJR Construction Inc. as the lowest responsive and responsible bidder; and 3) Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$4,246,955.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,222–N.S.
- 10. Contract: (Specification No. 24-11621-C): Bay Pacific Pipeline, Inc. for Virginia Street, Russell Street, et al. Sanitary Sewer Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Sanitary Sewer Project located on Virginia Street, Russell Street, et al., and 2) Accepting the bid of the lowest, responsive and responsible bidder, Bay Pacific Pipeline, Inc., and 2) Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$4,828,002, which includes a 10% contingency of \$438,909.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,223–N.S.

Consent Calendar

11. **Contract (Specification. No. 24-11645-C): Koios Engineering, Inc. for Urgent Sewer Repair FY2024 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Approving plans and specifications for the Urgent Sewer Repair FY2024 Project; 2) Accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 3) Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$465,187, which includes a 10% contingency of \$42,289.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,224–N.S.
12. **Reject Bids – FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the FY 2023 Retaining Wall and Storm Drain Improvement Project, Specification Nos. 23-11616-C & 23-11614-C.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,225–N.S.

Council Consent Items

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

Council Consent Items

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

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

Financial Implications: See report

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

Action: Approved recommendation.

Action Calendar – Public Hearings

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

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

Financial Implications: Nione

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

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

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

Vote: All Ayes.

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

Vote: All Ayes.

Action Calendar – Public Hearings

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

From: City Manager

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

Financial Implications: See report

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

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

Vote: All Ayes.

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

Vote: All Ayes.

Information Reports

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

From: City Manager

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

Action: Received and filed.

18. State of Public Health in Berkeley Summary Report

From: City Manager

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

Action: Received and filed.

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

From: City Manager

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

Action: Received and filed.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:26 p.m.

Communications

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

1. Homayoon Kazerooni

ZAB Appeal: 2113-2115 Kittredge Street

2. Adams Broadwell Joseph & Cardozo

United Artist Theater at 2274 Shattuck

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

Crime and Police Matters

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

Council Chambers/Councilmembers

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

Tree Removal

15. Ken Jung, Transportation Department
16. Carol Denney

Property Taxes

17. Pauline Wallace (2)

PG&E Rate Increases

18. Patrick Golier

Pedestrian Safety

19. Sophie Johnson

McNair's Donated Items Taken

20. Moni Law
21. Paul Kealoha Blake

Fulton-Woolsey Bike Boulevard

22. Charles Siegel (2)
23. Ken Jung, Transportation Department (2)

- 24. Councilmember Harrison
- 25. Megan Wachspress
- 26. David Hoffman (5)
- 27. Justin Baldwin
- 28. Matt Weber
- 29. Dan A.
- 30. Emily McAfee
- 31. Ben Hays

Restaurant Inspections

- 32. David Lerman

Berkeley Marina

- 33. Tahirah Rasheed

Refuse Services Blocking Driveway

- 34. Dan Bristol

Middle Housing

- 35. Jonathan Singh
- 36. D. Scott Phoenix
- 37. Amanda Le

Chavez Park Air Quality

- 38. Martin Nicolaus, on behalf of the Chavez Park Conservancy
- 39. Carol Denny

Berkeley Unified School District

- 40. Dorothea Dorenz

Street Paving

- 41. Barbara Gilbert

Anti-Discrimination Ordinance

- 42. 6 similarly-worded form letters

Golden Duplex Rent Control

- 43. Lauren Schiller

People's Park

- 44. Moni Law (2)

Gaza and Israel

- 45. Micky Duxbury
- 46. Jon Jackson
- 47. Rainbow Alvarez

- 48. Naz Akbaroff
- 49. Nazanin Badakhsh
- 50. Dena Al-Adeeb
- 51. Michael Fullerton
- 52. Kelsi Pertula
- 53. Aaron Kalter
- 54. Anna Henry
- 55. Russbumber (2)
- 56. Nikki Roach
- 57. Anna Henry
- 58. Barbara Erickson
- 59. Gregory Kalkanis
- 60. 6 similarly-worded form letters

URL's Only

- 61. Vivian Warkentin

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

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

- 62. Presentation, submitted by Planning and Development

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

- 63. Presentation, submitted by Office of Economic Development
- 64. Liz Lisle, on behalf of the Shotgun Players

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

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

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

- 66. Dale Sophiea

Miscellaneous Communications

- 67. Versus Mitsubishi, submitted by Eids Television
- 68. Path to Humanity, submitted by Travis Castle