

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 5, 2023
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*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/1612629119> 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: 161 262 9119**. 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: 6:14 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 6:16 p.m.

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 35th Anniversary of the Women's Daytime Drop-In Center

City Manager Comments: None

Public Comment on Non-Agenda Matters: 20 speakers.

Public Comment by Employee Unions: 2 speakers.

Consent Calendar

The Mayor issued a warning that this is a business meeting of the City Council. While the Council accepts public comment at the appropriate time in accordance with its rules of procedure, disruption of the meeting not only violates the City Council Rules of Procedure, the Berkeley Municipal Code, and state codes, but it prevents the Council from conducting the business of this meeting. That may be the intention of those disrupting our meeting, but doing so interferes both with the rights of other residents to participate in government and with the governance of this community. The Mayor finds that chanting and yelling by persons present is disrupting and making it unfeasible for this meeting to proceed.

Accordingly, the Mayor asked attendees who engaged in this disruptive behavior to immediately cease the disruption of this meeting and leave the meeting room. The Mayor advised that if disruptions continue, Council will take action to restore order,

Consent Calendar

which may include removal of disruptive persons or reconvening this meeting in another location.

Recess 7:09 p.m. – 7:17 p.m.

The Mayor issued a second attempt to restore order. The Mayor warned that the audience – of which roughly numbered 270 people, who are chanting, yelling, standing on tables, stealing flags from other attendees, and encroaching on the dais area are in violation of the Rules of Procedure, the Berkeley Municipal Code, and state codes. The Mayor determined that the Council was not able to conduct the business of this meeting due to these continued disruptions by members of the audience.

Accordingly, the Mayor asked that attendees who are engaged in this disruptive behavior to immediately cease the disruption of this meeting; otherwise they need to leave the meeting room. The Mayor advised that if disruptions continue, Council will take action to restore order, which may include removal of disruptive persons or reconvening this meeting in another location.

Recess 7:20 p.m. – 7:31 p.m.

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

Action: M/S/C (Arreguin/Humbert) to suspend the rules and adopt temporary rules for the remainder of public comment on the Consent Calendar as follows: 1) there will be a 30-minute period allotted for all remaining comments; 2) speakers may not yield time to other speakers; 3) one-minute limit per speaker.

Vote: All Ayes.

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

Vote: All Ayes.

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 5, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Sewer Fund - \$600,000

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

Action: Approved recommendation.

Consent Calendar

- 2. Contract No. 32000060 Amendment: Toshiba Contract for Multi-function Devices**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the City's contract with Toshiba (City Contract #32000060) through September 15, 2025, and to approve additional appropriations related for performance of this contract.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 71,121–N.S.
- 3. Contract: Intterra for Operations, Pre-Planning, Reporting, and Analytics**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Intterra by piggybacking on City of San Diego Contract Number No. 10089896-22-W. The contract will be effective December 18, 2023, through September 30, 2028, the end date of the contract with San Diego, in an amount not to exceed \$272,029. Following an extension approved by the City of San Diego, the contract may be extended for up to an additional five (5) years at a cost not to exceed an additional \$300,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,122–N.S.
- 4. Memorandum of Understanding: Berkeley Fire Fighters Association**
From: City Manager
Recommendation: Adopt a Resolution
1) approving a successor Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association (hereafter referred to as the "Union") for a three-year term from July 1, 2023 through June 30, 2026 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU and to make non-substantive edits to the format and language of the MOU in alignment with the tentative agreement, and conforming to legal requirements; and
2) approving a new Classification and Salary table for BFFA classifications (Representation Unit B) that implement the salary adjustments reflected in the new MOU and supersede prior salary resolutions.
The terms of the proposed 2023-2026 MOU are within the parameters of authority approved by Council in closed session.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,123–N.S. including supplemental material contained in Supplemental Communications Packet #2 from the City Manager.

Consent Calendar

- 5. Contract No. 32000281 Amendment: ConvergeOne for Avaya Administration, Maintenance and Support.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000281 to increase the spending authority with ConvergeOne (previously named Integration Partners) for Avaya telephone system administration, maintenance and support services increasing the amount by \$825,811 for a total not-to-exceed amount of \$1,718,633 from July 1, 2020 to June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,124–N.S.
- 6. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$115,300 for a total not-to-exceed amount of \$322,946 from July 1, 2017 to June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,125–N.S.
- 7. Grant Contract: Housing and Urban Development (HUD) for the MLK Youth Services Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the HUD grant for the MLK Youth Services Center Seismic Upgrade Project in the amount of \$750,000, execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the projects and appropriation of funding for related expenses, subject to securing the grants.
Financial Implications: Revenue - \$750,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,126 –N.S.
- 8. Donation from the Friends of the Berkeley Rose Garden**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of the Berkeley Rose Garden in the amount of \$5,000 to purchase roses and maintenance yard fence screening for the Berkeley Rose Garden.
Financial Implications: Revenue - \$5,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,127–N.S.

Council Consent Items

9. Thirteenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

From: Mayor Arreguin (Author), Councilmembers Hahn and Wengraf (Co-Sponsors)

Recommendation:

1. Adopt a Resolution co-sponsoring the 13th Annual Martin Luther King Jr. Celebration on January 15, 2024.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 13th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: See report

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

Action: Adopted Resolution No. 71,128–N.S. (Co-Sponsorship); and Resolution No. 71,129–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Kesarwani - \$100; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Humbert - \$250; Councilmember Taplin - \$250; Councilmember Wengraf - \$250; Mayor Arreguin - \$250.

10. Nancy Skinner Municipal Pier Resolution

From: Councilmember Taplin (Author) and Kesarwani (Co-Sponsor)

Recommendation: Refer to the Parks, Recreation, and Waterfront (PRW)

Commission a Resolution renaming the Berkeley Municipal Pier in honor of State Senator Nancy Skinner (D-Berkeley) upon its reopening to the public and authorizing the City Manager to update signage and electronic media accordingly; and to return Resolution to Council for final consideration.

Financial Implications: See report

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

Action: Approved recommendation.

11. Budget Referral: Refer \$273,341 to the November 2023 AAO #1 to Pre-fund the Green Building Program Manager on Permanent Basis

From: Councilmember Harrison (Author)

Recommendation: Refer \$273,341 to the November 2023 AAO #1 to pre-fund the Green Building Program Manager position before it expires and thereafter fund it on a permanent basis.

Financial Implications: See report

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

Action: Approved recommendation.

Action Calendar – Continued Business

- A. Refer to the City Manager to Enhance the City’s Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
(Continued from November 28, 2023)

From: Councilmember Harrison (Author)

Recommendation:

1. Refer to the City Manager to review and develop enhanced and enforceable City deconstruction and materials management regulations, including the following elements: a. Review of national and international best practices for regulating deconstruction, diversion, recycling, and reuse of construction and demolition materials; b. Integrate deconstruction and construction and enhanced demolition debris management, tracking, and regulation into the Department of Public Works’ Zero Waste Strategic Plan and Transfer Station upgrade as appropriate; c. Policy options for (1) enforcing minimum State diversion and recycling requirements, (2) new deconstruction requirements applicable to all permitted Berkeley projects including defining specific building components that are potentially reusable and requiring an enforceable salvage survey provided by the City, a reuse organization, or other third party approved by the City, (3) potentially implementing a social cost of carbon fee on construction and demolition debris, (4) possible enhancements to minimum statewide diversion goals, (5) comprehensive tracking of the disposition of construction and demolition materials, (6) enhancing diversion from un-permitted projects, and (7) integrating salvageable material into developer project planning and budgeting process and permit application plan set (as opposed to at time of final permitting). d. Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.

2. Refer to December 2023 Budget AAO #1 Process \$250,000 to conduct a nexus fee study (using the latest academic research, updated damage functions, and low discount rates) for a potential social cost of carbon fee to be applied e.g., to the impact of displacing existing embodied carbon (landfilled construction and demolition debris) and replacement with new embodied carbon. The purpose of the fee is to incentivize reuse and deconstruction, minimize demolition, maximize useful embodied carbon, and fund the City’s ongoing green building work and services.
Policy Committee Recommendation: To refer the revised agenda material with a positive recommendation to Council with the following revisions to the recommendation:

1. Section C.3 to read as follows: “potentially implementing a social cost of carbon fee on construction and demolition debris”.

Action Calendar – Continued Business

2. Section D to read as follows: “Background survey on contents of existing building stock to get more data on intended impact and opportunities regarding new deconstruction requirements; vetting of existing service providers (certified salvage contractors and salvage material vendors), markets for salvage materials, a list of approved reuse/salvage facilities; and a plan for educating contractors on requirements; and an analysis of the costs of compliance with and implementation of any proposed regulations and analysis of any corresponding impacts on feasibility of new construction.”

Financial Implications: See report

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

Action: Item withdrawn from the agenda by Councilmember Harrison.

Action Calendar

12. **Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

From: Councilmembers Harrison (Author) and Taplin (Co-Sponsor)

Recommendation: Designate existing \$900,000 FY 2024 Transportation Network Company (TNC) Tax allocation as follows:

1. \$100,000 in short, medium, and long-term traffic calming measures in the vicinity of 2023 Halloween Derby St. hit-and-run incident involving a minor to include speed tables, highlighting designation of crosswalks, and consideration of a stop sign on Mabel at Carleton and Derby.
2. \$25,000 to purchase five additional portable speed radar trailers bringing the City’s total to seven for targeted traffic calming; and
3. \$325,000 to increase the citywide Traffic Calming Budget on a one-time basis to \$400,000 (up from the current \$75,000); and
4. \$450,000 to citywide to fund: a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and c. priority quick-build public transit projects under the Street Repair Program; and
5. Refer to City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Approved recommendation as revised by Councilmember Harrison in Supplemental Communications Packet #1, and further amended to refer Recommendation #5 to the Budget & Finance Committee.

Action Calendar

13. Reimagining Public Safety Status Report

From: City Manager

Recommendation:

1. Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.
2. Provide comments on the Gun Violence Prevention program model report for Berkeley with the goal of facilitating informed council discussion.

Financial Implications: See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

Action: Item withdrawn from the agenda by the City Manager. Item includes supplemental materials from Councilmember Taplin submitted in Supplemental Communications Packet #2.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

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

Adjourned at 9:02 p.m.

Communications

Safer Streets and Sidewalks

1. Jason Warriner
2. Carol Hirth
3. Barbara Gilbert
4. Shirley Kirsten
5. Virginia Browning
6. Jose Oliveira
7. Ben and Laurel Kuchinsky
8. Eliot Walker

Ashby BART

9. Vincent Casalaina (2)

Burned RV

10. Chris Saulnier

Waterfront

11. Ginger Ogle

Golden Gate Field Horses

12. Nan McGuire

Chess Club

13. Jesse Sheehan (2)

Press Release

14. Office of the Director of Police Accountability

Unhoused Crime

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

Street Lighting

16. Brian Barsky

EBMUD Paving

17. Greg Couch

18. Y'Ariad Burrell, on behalf of EBMUD

Household Occupancy

19. Leilah Dozier

Full Marathon

20. Annie Barrows

Hard Hats Ordinance

21. Cody Strock

Officer Marble

22. Diana Bohn

Rent Board

23. Barbara Gilbert

Council Meeting Disruption

24. savebtown@

Gilman and Marin Street

25. Steve Mellinger

Israel and Palestine

26. Azam Javed

27. Almira Tanner

28. Sarah Naameh

29. Sarah Khan

30. Mona Masri

31. Sandra Nasser

32. Sophia Mottershead
33. Hamza Kundi
34. Mary-Lee Kimber Smith
35. Debbie Tuttle
36. Michael Fullerton
37. Barbara Erickson
38. Nohely Melenciano
39. Lilyana Hudson
40. Tirzah Riley
41. Laila Hamidi
42. Christina Harb
43. Noah Ahmed Surti
44. 55 similarly-worded form letters (Resolution)
45. 169 similarly-worded form letters (Ceasefire)

Supplemental Communications and Reports 1

Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

46. Revised material, submitted by Councilmember Harrison
47. Ben Paulos
48. Damian Park
49. David Wooley
50. Janice Murota
51. Vincent Casalaina
52. Judith Grether
53. Summer Brenner
54. 21 similarly-worded form letters

Supplemental Communications and Reports 2

Item #4: Memorandum of Understanding: Berkeley Fire Fighters Association

55. Supplemental material submitted by the Human Resources Department

Item #11: Budget Referral: Refer \$273,341 to the November 2023 AAO #1 to Pre-fund the Green Building Program Manager on Permanent Basis

56. Ben Gould

Item A: Refer to the City Manager to Enhance the City's Deconstruction and Construction Materials Management Enforcement and Regulations and Refer to the AAO #1 Budget Process \$250,000 for Social Cost of Carbon Nexus Fee Study for Berkeley Origin Construction and Demolition Debris

57. 5 similarly-worded form letters
58. Sarah Bell

Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

- 59. Hali Hammer
- 60. Simon Hochberg
- 61. Molly Miller
- 62. Lee Bishop
- 63. John Beaulaurier
- 64. Sallie
- 65. Christina Oatfield
- 66. David Mendelsohn
- 67. Warren Wells

Item #13: Reimagining Public Safety Status Report

- 68. Supplemental material submitted by Councilmember Taplin

Supplemental Communications and Reports 3

Item #10: Nancy Skinner Municipal Pier Resolution

- 69. Barbara Gilbert

Item #12: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

- 70. 13 similarly-worded form letters
- 71. Heath Maddox
- 72. Norm Gold
- 73. Ben Finkel
- 74. Corey Busay
- 75. Naveen Gattu
- 76. Benjamin Fry
- 77. Joanna Dillon

Miscellaneous Communications

- 78. Mr. Eid