



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 12, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR
Councilmembers:

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

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

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

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1610996492>. 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: **161 099 6492**. 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 Chochenyo (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.

Consent 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.

Consent Calendar

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,889-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) amend provisions related to filing requirement thresholds to be consistent with recent amendment to qualification threshold for committees ; and (2) add two dollar amount thresholds to the list of amounts subject to cost of living adjustments in order to maintain consistency with other associated amounts.

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

Financial Implications: See report

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

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,890-N.S. amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update.

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

Financial Implications: See report

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

Consent Calendar

- 3. Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,891-N.S. authorizing the City Manager to enter into a lease for 830 University with Berkeley Free Clinic.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 23 (special closed), November 6 (special closed), November 7 (regular), November 13 (special closed), November 14 (special and regular), November 21 (special) and November 28 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 12, 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: Public Art Fund - \$150,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

6. **Extending the Duration of Funding Reservations for Housing Trust Fund Projects**

From: City Manager

Recommendation: Extend the duration of the previously approved funding reservations for Housing Trust Fund (HTF) projects by adopting a Resolution to: 1. Reserve Housing Trust Funds and other currently available affordable housing funds, including Measure O Bond and Permanent Local Housing Allocation funds, for the following projects: -Ashby Lofts (2909-2919 Ninth / Satellite Affordable Housing Associates) at \$850,000; -Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / Satellite Affordable Housing Associates / Abode Communities) at \$24,500,000; -Supportive Housing in People's Park (2556 Haste) at \$14,359,593. 2. Authorize the City Manager to refinance the existing Housing Trust Fund development loan for Ashby Lofts and into a new loan with terms consistent with the Housing Trust Fund Guidelines. 3. Waive Section III.A.1 of the Housing Trust Fund Guidelines for the BUSD Workforce Housing project to allow affordability levels of up to 120% of area median income in order to reflect the income and needs of BUSD educators. 4. Condition disbursement of funding for the BUSD Workforce Housing and Supportive Housing in People's Park projects on site control. 5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

Financial Implications: See report

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

7. **Revise Classifications and Salary Ranges – (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor**

From: City Manager

Recommendation: Adopt a Resolution revising the represented job class specifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor to align pay with that of Public Works Supervisor classification in order to promote internal equity.

Financial Implications: See report

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

8. **Contract: Superior, LLC for AS400 Software Maintenance and Support**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a new contract with Superior, LLC for software maintenance and support of the City's FUND\$ system on the AS400 platform for a total \$283,500 from July 1, 2023 through June 30, 2025.

Financial Implications: IT Cost Allocation Fund - \$283,500

Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

9. Grant Application – State Parks Outdoor Equity Grants Program (OEP)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the State Parks and Recreation Outdoor Equity Grants Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: Up to \$700,000 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

10. Grant Application – California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots Program for New Electric Boat and Charging Station

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots (ATDP) Grant Program to procure a new electric boat and charging station; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: \$218,451 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

11. Contract: Buhler Commercial for Willard Park Clubhouse and Restroom Replacement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Willard Park Clubhouse and Restroom Replacement Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Buhler Commercial; 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, with Buhler Commercial, for the Willard Park Clubhouse and Restroom Replacement Project at 2720 Hillegass Avenue, in an amount not to exceed \$6,831,067 which includes a contract amount of \$6,210,061 and a 10% contingency in the amount of \$621,006.

Financial Implications: Various Funds - \$6,831,067

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 12. Donation: Memorial Bench at Cesar Chavez Park in memory of Ronald Henry Klein**
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 Ronald Henry Klein.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation: Memorial Bench at Cesar Chavez Park in memory of Ramakant Tulsian**
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 Ramakant Tulsian.
Financial Implications: \$3,400 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Contract (Specification No. 24-11619-C: Koios Engineering, Inc. for The Alameda, et al. Sanitary Sewer Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on The Alameda, Keeler Avenue, Euclid Avenue Et Al., and: Accept the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc., and Authorize 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 \$3,456,596, which includes a 10% contingency of \$314,236.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 15. Purchase Orders: Pinnacle Petroleum, Inc. and Western States, Inc. for Bulk Renewable Diesel and Gasoline**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute multi-year purchase orders as outlined below through June 30, 2029:
1. Purchase Order with Pinnacle Petroleum to provide fuel for City vehicles and equipment in an amount not to exceed \$8,500,000 for the next four fiscal years (FY 2025 through FY 2029).
2. Purchase Order with Western States, Inc. to provide fuel for City vehicles and equipment in an amount not to exceed \$2,000,000 for the next four fiscal years (FY 2025 through FY 2029).
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300

Consent Calendar

16. Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractor Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,600,000.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

17. Purchase Order: Braun Northwest, Inc. for One (1) North Star 155 Type 1 Ambulance

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 North Star 155-1 Type 1 Ambulance with Braun Northwest, Inc. in an amount not to exceed \$284,974.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

18. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$832,750, and extending the contract term through December 31, 2025.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

19. Contract No. 32300110 Amendment: SCI Consulting Group for On-Call Civil Engineering Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300110 with SCI Consulting Group to increase the spending authority by \$150,000 for a total not to exceed \$300,000.

Financial Implications: See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

Consent Calendar

- 20. Contract No. 32400004 Amendment: Roofing Constructors, Inc. dba Western Roofing Service for on-call roofing and gutter repair services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400004 with Roofing Constructors, Inc. to increase the spending authority by \$200,000 for a total not to exceed \$250,000.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 21. Contract No. 103266-1 Amendment - Karste Consulting, Inc. for Emergency Preparedness Services and Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$450,000 and to extend the term through June 30, 2025.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 22. Contract: American Restore, Inc. for City of Berkeley Transfer Station Tipping Floor Repair Emergency Project at 1201 Second Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Acknowledging the necessity for immediate repairs to the Transfer Station Tipping Floor at 1201 Second Street due to hazardous conditions and authorizing an exception to the formal bidding process; 2. Accepting the proposal from American Restore, Inc. as the sole proposal received from an informal solicitation of multiple contractors for its specialized services in response to the urgent need for repair; 3. Authorizing the City Manager to execute the proposed contract with American Restore, Inc. and any amendments, extensions, or other change orders as necessary to facilitate the timely completion of the project, for an amount not to exceed \$443,207.
Financial Implications: See report
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 23. Council Referral – Request for City Community Survey for placing a Modest Increase in the Parks Tax on the November 2024 Ballot**
From: Parks and Waterfront Commission
Recommendation: The Parks, Recreation and Waterfront Commission recommends that the City Council include in upcoming community survey for possible 2024 ballot measures, a measure to increase the Parks Tax by four cents per square foot or approximately 20%, and appropriate funding for the survey.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Consent Calendar

- 24. Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes**
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by June 2024 and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department and Human Resources. They have agreed to our findings and recommendations. Please see our report for their complete response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 25. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2026.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 26. The Right to Reproductive Freedom**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution affirming the City of Berkeley's support to protecting the rights of those seeking reproductive care, receiving and offering reproductive care and abortion services, and deciding on their own bodily autonomy relating to their reproduction.
Refer to the City Manager to draft an ordinance that directs City agents and employees to ensure access to abortion sites and ensure access to information related to abortion access, including posting information about reproductive health on City property, as consistent with state and federal law.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 27. Adjustment to City Attorney Salary Range and Revised Salary**
From: Mayor Arreguin (Author)
Recommendation: Adopt a resolution to approve (1) increasing the top of the City Attorney salary range to \$360,000 annually and (2) revising City Attorney Farimah Brown's annual salary to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 28. Waterside Workshops Winter Festival and Kids Bike Giveaway: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the Waterside Workshops Winter Festival and Kids Bike Giveaway.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 29. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures** *(Reviewed by the Budget & Finance Committee)*
From: Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)
Recommendation: Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #1 (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.
Policy Committee Recommendation: To forward the item as revised to the City Council with a positive recommendation.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 30. Letter to AC Transit Regarding Draft Realignment Scenarios**
From: Councilmember Wengraf (Author), Councilmember Humbert (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to AC Transit with Council feedback on their Realign Draft Service Scenarios presented to Council on Nov 14, 2023.
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 as the item is taken up. 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.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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.

Action Calendar – New Business

31. Expansion of the Elmwood Business Improvement District

From: City Manager

Recommendation: Conduct a public meeting to review and discuss the expansion of the Elmwood Business Improvement District (hereafter, “Elmwood BID”, “BID” or “the District”).

Financial Implications: See report

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

32. Amendment: FY 2024 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,879–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments authorized since July 1, 2023, in the amount of \$258,777,491 (gross) and \$246,555,990 (net).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

33. Consideration of Options for Berkeley High School Staff Parking

From: City Manager

Recommendation: Receive information on several options for providing additional parking for Berkeley High School staff and provide feedback to staff, which will then be shared with 2x2 Committee with the end goal of identifying a mutually agreeable solution for both the school district and the City.

Financial Implications: See report

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

Information Reports

34. Settlement of Claim of D.L. Falk Construction Inc. (North Berkeley Senior Center)

From: City Manager

Contact: Farimah Brown, City Attorney, (510) 981-6950

35. FY 2023 Fourth Quarter Investment Report: Ended June 30, 2023

From: City Manager

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

Information Reports

36. **Section 115 Trust Investment Report for: Inception to Period Ended June 30, 2023**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
37. **Climate Action Plan and Resilience Update**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
38. **Civic Arts Commission FY24 Work Plan**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
39. **Housing Advisory Commission Work Plan Fiscal Year 2024**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (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.

~~~~~  
***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 November 30, 2023.***

A handwritten signature in black ink, appearing to read "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](#).*

### **Martin Luther King Jr. Way**

1. David Lerman

### **Policing**

2. Gregory Kalkanis

### **Public Information**

3. Mary Behm-Steinberg

### **Housing Voucher**

4. Sameerah Karim

## **Communications**

### **URL's Only**

5. Vivian Warkentin (2)

### **Tenants Opportunity to Purchase Act**

6. Diana Bohn

### **Repaving Francisco Street**

7. David Lerman

### **Civil Rights**

8. Lavell Young

### **Winter Shelter**

9. Elana Auerbach
10. Boona cheema
11. Moni Law

### **Israel and Gaza Conflict**

12. Alejandro Garcia-Paredes
13. Angie Chang
14. Rachel Noel
15. Madeline Pignetti
16. Karen Carroll
17. Boba.bunny05@
18. Greg Garcia-Wilson
19. Steven Lipson
20. Madeline Weinstein
21. Jessica Login
22. Dianna Dar
23. Youval Dar
24. Bryan Weiss
25. Mollie Mindel
26. Deborah Fink
27. Yael Galinson
28. Doni Katz
29. Offer Grembek
30. Jaimie Baron
31. Talia Nagar
32. Elana Naftalin-Kelman
33. Howard Miller
34. Ariel Berson
35. Dan Alter
36. Ayana Davis
37. Alexia Murillo Amezcua
38. Desmid Lyon

## Communications

39. Andrew Fine
40. Clara Weinstein
41. Orli Loewenberg
42. Raphael Goldman
43. Karen Weil (2)
44. Daniel Frydman
45. Katrin Youdim
46. Emma
47. Leah Rosenthal
48. Tal Garner
49. Sophie
50. Summer Brenner
51. Liberty Schubert
52. Ilana Pearlman
53. Jessica Pearlman
54. Rita Minas
55. Wenrick Family
56. Philippa Kelly
57. Rabbi Chai Levy
58. Elana Auerbach
59. Cris Arguedas
60. Vanessa Davis
61. Meital Mashash
62. Noga Alon
63. Dahlia Frydman Tenenbaum
64. Aviva Gilbert
65. Jenna Lewis
66. Chiara Juster
67. Seth Engel
68. Jennifer Burt
69. Mollie Mindel
70. David Kilimnik
71. Miriam Schultz
72. Rachel Friedman
73. Daniel Green
74. Forouzan Khalili
75. Daniel Green
76. Shira Rome
77. Sarah Crow
78. Kasaia Luckel
79. Arielle Hassid
80. Richard Taylor
81. Vincent Casalaina
82. Rabbi Cat Zavis
83. Rena Greenfield
84. Abby Maimon



## Communications

- 85. Arbel Shemesh
- 86. Ella Lachman
- 87. Traci Moren
- 88. Nora Shourd
- 89. Debbie Tuttle
- 90. 931 similarly-worded form letters – Vote No on November 28 (Letters are on file at the City Clerk’s Office)
- 91. 302 similarly-worded form letters – Resolution for Ceasefire and Solidarity with Palestine (Letters are on file at the City Clerk’s Office)
- 92. 14 similarly-worded form letters – Ceasefire Now (Letters are on file at the City Clerk’s Office)

### **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.



## ORDINANCE NO. 7,889-N.S.

## AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

**2.12.545 Cost of living adjustments.**

A) The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.271, 2.12.335, 2.12.500.A.3, 2.12.500.A.6, 2.12.500.A.7, 2.12.500.A.8, 2.12.505.B, and 2.12.530.B.3.b for cost of living changes pursuant to Section 2.12.075 in January of every odd-numbered year following Council implementation. Such adjustments shall be rounded to the nearest ten dollars (\$10) with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars (\$1,000) with respect to Section 2.12.505.B.

B) As soon as practicable after adoption of the amendments providing for the adjustment of Sections 2.12.271 and 2.12.335, but no later than December 31, 2024, the Commission shall perform an initial adjustment of the dollar amounts in those sections.

Section 2. That Berkeley Municipal Code Section 2.12.270 is amended to read as follows:

**2.12.270 Campaign statement--Filing requirements.**

A. Each candidate and each committee shall file no fewer than two campaign statements prior to an election, excluding run-off elections, and one campaign statement following the election, excluding run-off elections. Campaign statements shall be filed in accordance with the filing dates prescribed by state law. The semi-annual campaign statement that is filed pursuant to state law following an election shall serve as the post-campaign statement required by this section. If state law does not establish the filing dates for campaign statements, the commission shall set the necessary filing dates.

B. Each candidate and committee involved in a run-off election, and each committee supporting or opposing a candidate participating in a run-off election, shall file one campaign statement prior to the run-off election in addition to any other campaign statements required by this section and one campaign statement following the run-off election. The semi-annual statement that is filed pursuant to state law following a run-off election shall serve as the post-campaign statement required by this section. The campaign statements shall be filed in accordance with the filing dates prescribed by state law. If state law does not establish the filing dates for campaign statements in run-off elections, the commission shall set the necessary filing dates.

C. 1. Notwithstanding subsections A and B of this section, a candidate or officeholder who plans to receive contributions or make expenditures of less than the committee threshold in Section 2.12.095 in a calendar year may file a short form campaign statement for that calendar year as prescribed by state laws and regulations. The period covered by the short form is the calendar year. If the candidate or officeholder who has filed a short form campaign statement for activity in the calendar year makes expenditures or receives contributions that exceed the committee threshold in Section 2.12.095, they must file campaign statements as required by subsections A or B, or other applicable sections of Chapter 2.12.

2. During the six months prior to an election in which the candidate or officeholder is being voted upon, a candidate or officeholder who files a short form campaign statement and subsequently receives contributions or makes expenditures exceeding the committee threshold in Section 2.12.095 during the calendar year shall send written notification to the City Clerk, and each candidate or officeholder contending for the same office, as follows:

(a) The notification shall be sent within forty-eight hours of receiving contributions or making expenditures exceeding the committee threshold in Section 2.12.095;

(b) The notification shall include the name and address of the candidate or officeholder, the elective office for which the short form campaign statement was filed, the date of the election, and the date contributions exceeding the committee threshold in Section 2.12.095 or more were received or expenditures exceeding the committee threshold in Section 2.12.095 were made;

(c) The notification shall be sent by guaranteed overnight delivery, personal delivery, or facsimile transmission.

At a special meeting of the Council of the City of Berkeley held on November 21, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Wengraf.

## ORDINANCE NO. 7,890-N.S.

SOUTHSIDE ZONING AMENDMENTS; AMENDING BERKELEY MUNICIPAL CODE  
TITLE 23

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

Section 1. That Berkeley Municipal Code Section 23.106.035 is hereby added to read:

**23.106.035 – Floor Area, Gross Residential**

- A. **Gross Residential Floor Area Defined.** Gross residential floor area means the total floor area of all of the following:
1. Residential units.
  2. In a Group Living Accommodation (GLA), common rooms/lounges and supporting facilities such as kitchens and restrooms.
  3. Habitable attic.
  4. Mezzanine or loft within a residential unit.
- B. **Residential Unit Defined.** Residential unit means any Dwelling Unit, any Live/Work Unit, or any bedroom of a GLA except a GLA in a University-recognized fraternity, sorority or co-op; provided, however, that for purposes of this section, “residential unit” shall not include any Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

Section 2. That Berkeley Municipal Code Section 23.106.100 is hereby added to read:

**23.106.100 – Residential Density**

- A. **Residential Density Defined.** The ratio of the number of dwelling units on a lot to the lot area as measured in acres.
- B. **Measurement.** Residential density shall be calculated by dividing the total number of dwelling units on a lot by the total lot area in acres, rounded to the nearest whole number. Accessory Dwelling Units and Junior Accessory Dwelling Units are not included in the minimum or maximum density established by the underlying zoning district (see Section 23.306.020).

Section 3. That the following lines under the category “Residential Uses” in Table 23.202-1 (Allowed Uses in Residential Districts) within Berkeley Municipal Code 23.202.020 (Allowed Land Uses) are hereby amended to read:

|                                                                                                                                                                                                                                                                                     |                              |        |        |        |                                             |         |         |        |         |         |         |                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------|--------|--------|---------------------------------------------|---------|---------|--------|---------|---------|---------|------------------------------------------------------------------------------------------------------------------|
| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150(A) and 23.202.150(D) | <b>RESIDENTIAL DISTRICTS</b> |        |        |        |                                             |         |         |        |         |         |         | <b>USE-SPECIFIC REGULATIONS</b><br>Applies to uses with an asterisk following the permit requirement (e.g., ZC*) |
|                                                                                                                                                                                                                                                                                     | R-1                          | R-1A   | ES-R   | R-2    | R-2A                                        | R-3     | R-4     | R-5    | R-S     | R-SMU   | R-BMU** |                                                                                                                  |
| <b>Residential Uses</b>                                                                                                                                                                                                                                                             |                              |        |        |        |                                             |         |         |        |         |         |         |                                                                                                                  |
| Dwellings                                                                                                                                                                                                                                                                           |                              |        |        |        |                                             |         |         |        |         |         |         |                                                                                                                  |
| Single-Family                                                                                                                                                                                                                                                                       | UP(PH)                       | UP(PH) | UP(PH) | UP(PH) | UP(PH)                                      | UP(PH)* | UP(PH)  | UP(PH) | UP(PH)* | UP(PH)* | NP      | 23.302.070(H)                                                                                                    |
| Two-Family                                                                                                                                                                                                                                                                          | NP                           | UP(PH) | NP     | UP(PH) | UP(PH)                                      | UP(PH)* | UP(PH)  | UP(PH) | UP(PH)* | UP(PH)* | NP      | 23.302.070(H)                                                                                                    |
| Multi-Family                                                                                                                                                                                                                                                                        | NP                           | NP     | NP     | UP(PH) | UP(PH)                                      | UP(PH)* | UP(PH)* | UP(PH) | UP(PH)* | UP(PH)* | UP(PH)  | 23.302.070(H)                                                                                                    |
| Group Living Accommodation                                                                                                                                                                                                                                                          | NP                           | NP     | NP     | NP     | NP                                          | UP(PH)* | UP(PH)* | UP(PH) | UP(PH)* | UP(PH)* | UP(PH)  | 23.302.070(H)                                                                                                    |
| Senior Congregate Housing                                                                                                                                                                                                                                                           | NP                           | NP     | NP     | NP     | See 23.302.070(I) -Use-Specific Regulations |         |         |        |         |         |         |                                                                                                                  |
| Mixed-Use Residential                                                                                                                                                                                                                                                               | NP                           | NP     | NP     | UP(PH) | UP(PH)                                      | UP(PH)* | UP(PH)* | UP(PH) | UP(PH)  | UP(PH)* | UP(PH)  | 23.302.070(H)                                                                                                    |

**Section 4.** That Berkeley Municipal Code Section 23.202.030(A)(1) is hereby amended to read:

1. Permits Required.

- a. In the ES-R district, residential additions require permits as follows:
  - i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.
  - ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.
- b. In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.

- c. In all other Residential Districts, residential additions require permits as follows:
  - i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.
  - ii. Major residential additions (all other residential additions) AUP.

Section 5. That Berkeley Municipal Code Section 23.202.030(B) is hereby amended to read:

**B. Adding Bedrooms.**

1. In the R-1, R-1A, R-2, R-2A, and R-3 districts outside of the Southside Plan boundaries, adding a bedroom to a lot requires permits as follows:
  - a. Adding a first, second, third, or fourth bedroom to a lot: no permit required.
  - b. Adding a fifth bedroom to a lot: AUP.
  - c. Adding a bedroom to a lot beyond the fifth: Use Permit.
2. See Section 23.502.020(B) - Defined Terms (“B” Terms) for bedroom definition.
3. In the ES-R district, any alteration to create a new bedroom in a single-family detached home on a single lot requires an AUP. See Section 23.202.070(H)(6) (Land Use Intensification) for required finding.
4. In the R-3, R-S, or R-SMU districts within the Southside Plan boundaries, adding any bedroom to a lot requires a Zoning Certificate.

Section 6. That Berkeley Municipal Code Section 23.202.100(C) is hereby amended to read:

**C. Additional Permit Requirements.** See Subsection A of Section 23.202.030 (Residential Additions) and Subsection B of Section 23.202.030 (Adding Bedrooms).

Section 7. That Berkeley Municipal Code Section 23.202.100(E) is hereby amended to read:

**E. Development Standards.**

1. **Basic Standards.** See Table 23.202-11: R-3 Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-11: R-3 Development Standards.

**TABLE 23.202-11: R-3 DEVELOPMENT STANDARDS**

| BASIC STANDARDS | OUTSIDE OF SOUTHSIDE PLAN | WITHIN SOUTHSIDE PLAN | SUPPLEMENTAL STANDARDS |
|-----------------|---------------------------|-----------------------|------------------------|
|-----------------|---------------------------|-----------------------|------------------------|

|                                             |                              |                                                               |                                  |
|---------------------------------------------|------------------------------|---------------------------------------------------------------|----------------------------------|
| Lot Area, Minimum                           |                              |                                                               | 23.304.020 – Lot Requirements    |
| New Lots                                    | 5,000 sq. ft.                | No minimum                                                    |                                  |
| Per Group Living Accommodation Resident     | 350 sq. ft. [1]              | No minimum                                                    |                                  |
| Residential Density                         |                              |                                                               | 23.106.100 – Residential Density |
| Minimum (du/acre)                           | No minimum                   | 60                                                            |                                  |
| Maximum (du/acre)                           | No maximum                   | No maximum                                                    |                                  |
| Usable Open Space, Minimum                  |                              |                                                               | 23.304.090 – Usable Open Space   |
| Per Dwelling Unit                           | 200 sq. ft.                  | 150 sq. ft. per 1,000 sq. ft. of gross residential floor area |                                  |
| Per Group Living Accommodation Resident     | 90 sq. ft.                   |                                                               |                                  |
| Floor Area Ratio, Maximum                   | No maximum                   | 3.0                                                           |                                  |
| Main Building Height, Average               |                              |                                                               | 23.304.050 – Building Height     |
| New Buildings and Non-Residential Additions | 35 ft. and 3 stories         | 45 ft.                                                        |                                  |
| Residential Additions                       | 16 ft. [2]                   |                                                               |                                  |
| Lot Coverage, Maximum                       |                              |                                                               | 23.304.120 – Lot Coverage        |
| Interior and Through Lot                    | 1 Story: 45%                 | 100%                                                          |                                  |
|                                             | 2 Stories: 45%               |                                                               |                                  |
|                                             | 3 Stories: 30%               |                                                               |                                  |
| Corner Lot                                  | 1 Story: 50%                 | 100%                                                          |                                  |
|                                             | 2 Stories: 50%               |                                                               |                                  |
|                                             | 3 Stories: 45%               |                                                               |                                  |
| Lot Line Setback, Minimum                   |                              |                                                               | 23.304.030 - Setbacks            |
| Front                                       | 15 ft.                       | 10 ft.                                                        |                                  |
| Rear                                        | 15 ft.                       | 10 ft.                                                        |                                  |
| Interior Side                               | 1 <sup>st</sup> Story: 4 ft. | 4 ft.                                                         |                                  |



|                                                                                                |                               |            |                                                                       |
|------------------------------------------------------------------------------------------------|-------------------------------|------------|-----------------------------------------------------------------------|
|                                                                                                | 2 <sup>nd</sup> Story: 4 ft.  |            |                                                                       |
|                                                                                                | 3 <sup>rd</sup> Story: 6 ft.  |            |                                                                       |
| Street Side                                                                                    | 1 <sup>st</sup> Story: 6 ft.  | 4 ft.      |                                                                       |
|                                                                                                | 2 <sup>nd</sup> Story: 8 ft.  |            |                                                                       |
|                                                                                                | 3 <sup>rd</sup> Story: 10 ft. |            |                                                                       |
| Building Separation,<br>Minimum                                                                | 1 <sup>st</sup> Story: 8 ft.  | No minimum | 23.304.040 –<br>Building<br>Separation in<br>Residential<br>Districts |
|                                                                                                | 2 <sup>nd</sup> Story: 12 ft. |            |                                                                       |
|                                                                                                | 3 <sup>rd</sup> Story: 16 ft. |            |                                                                       |
| Notes:                                                                                         |                               |            |                                                                       |
| [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. |                               |            |                                                                       |
| [2] Maximum 35 ft. with an AUP.                                                                |                               |            |                                                                       |

Section 8. That Berkeley Municipal Code Section 23.202.110(E) is hereby amended to read:

**E. Development Standards.**

- Basic Standards.** See Table 23.202-12: R-4 Lot and Height Standards, Table 23.202-13: R-4 Setback and Building Separation Standards, and Table 23.202-14: R-4 Lot Coverage Standards.
- Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-12: R-4 Lot and Height Standards, Table 23.202-13: R-4 Setback and Building Separation Standards, and Table 23.202-14: R-4 Lot Coverage Standards.

**TABLE 23.202-12: R-4 LOT AND HEIGHT STANDARDS**

| BASIC STANDARDS                         |                 | SUPPLEMENTAL STANDARDS       |
|-----------------------------------------|-----------------|------------------------------|
| Lot Area, Minimum                       |                 | 23.304.020– Lot Requirements |
| New Lots                                | 5,000 sq. ft.   |                              |
| Per Group Living Accommodation Resident | 350 sq. ft. [1] |                              |
| Usable Open Space, Minimum              |                 | 23.304.090– Usable Open      |

| BASIC STANDARDS                                                                                                                                     |                          | SUPPLEMENTAL STANDARDS      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------|
| Per Dwelling Unit                                                                                                                                   | 200 sq. ft.              | Space                       |
| Per Group Living Accommodation Resident                                                                                                             | 90 sq. ft.               |                             |
| Floor Area Ratio, Maximum                                                                                                                           | No maximum               |                             |
| Main Building Height, Average                                                                                                                       |                          | 23.304.050– Building Height |
| New Buildings and Non-Residential Additions                                                                                                         | 35 ft. and 3 stories [2] |                             |
| Residential Additions                                                                                                                               | 16 ft. [3]               |                             |
| Notes:                                                                                                                                              |                          |                             |
| [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.                                                      |                          |                             |
| [2] Maximum 65 ft. and six stories allowed with Use Permit.                                                                                         |                          |                             |
| [3] Height greater than 16 ft. up to 35 ft. allowed with an AUP. Height greater than 35 ft. up to 65 ft. and six stories allowed with a Use Permit. |                          |                             |

**TABLE 23.202-13: R-4 SETBACK AND BUILDING SEPARATION STANDARDS**

|                              | STANDARDS BY BUILDING STORY |                 |                 |                 |                 |                 | SUPPLEMENTAL STANDARDS                                      |
|------------------------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-------------------------------------------------------------|
|                              | 1 <sup>ST</sup>             | 2 <sup>ND</sup> | 3 <sup>RD</sup> | 4 <sup>TH</sup> | 5 <sup>TH</sup> | 6 <sup>TH</sup> |                                                             |
| Lot Line Setbacks, Minimum   |                             |                 |                 |                 |                 |                 |                                                             |
| Front                        | 15 ft.                      | 15 ft.          | 15 ft.          | 15 ft.          | 15 ft.          | 15 ft.          | 23.304.030–<br>Setbacks                                     |
| Rear                         | 15 ft.                      | 15 ft.          | 15 ft.          | 17 ft.          | 19 ft.          | 21 ft.          |                                                             |
| Interior Side                | 4 ft.                       | 4 ft.           | 6 ft.           | 8 ft.           | 10 ft.          | 12 ft.          |                                                             |
| Street Side                  | 6 ft.                       | 8 ft.           | 10 ft.          | 12 ft.          | 14 ft.          | 15 ft.          |                                                             |
| Building Separation, Minimum | 8 ft.                       | 12 ft.          | 16 ft.          | 20 ft.          | 24 ft.          | 28 ft.          | 23.304.040–<br>Building Separation in Residential Districts |

**TABLE 23.202-14: R-4 LOT COVERAGE STANDARDS**

|                       | STANDARD BASED ON BUILDING HEIGHT |           |           |           |           |           | SUPPLEMENTAL STANDARDS |
|-----------------------|-----------------------------------|-----------|-----------|-----------|-----------|-----------|------------------------|
|                       | 1 STORY                           | 2 STORIES | 3 STORIES | 4 STORIES | 5 STORIES | 6 STORIES |                        |
| Lot Coverage, Maximum |                                   |           |           |           |           |           | 23.304.120–            |

|                          |     |     |     |     |     |     |              |
|--------------------------|-----|-----|-----|-----|-----|-----|--------------|
| Interior and Through Lot | 45% | 45% | 40% | 35% | 35% | 35% | Lot Coverage |
| Corner Lot               | 50% | 50% | 45% | 40% | 40% | 40% |              |

Section 9. That Berkeley Municipal Code Section 23.202.120(D) is hereby amended to read:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-15: R-5 Lot and Height Standards, Table 23.202-16: R-5 Setback and Building Separation Standards, and Table 23.202-17: R-5 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-15: R-5 Lot and Height Standards, Table 23.202-16: R-5 Setback and Building Separation Standards, and Table 23.202-17: R-5 Lot Coverage Standards.

**TABLE 23.202-15: R-5 LOT AND HEIGHT STANDARDS**

| BASIC STANDARDS                                                                                                                    |                          | SUPPLEMENTAL STANDARDS        |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------|
| Lot Area, Minimum                                                                                                                  |                          | 23.304.020– Lot Requirements  |
| New Lots                                                                                                                           | 5,000 sq. ft.            |                               |
| Per Group Living Accommodation Resident                                                                                            | 175 sq. ft. [1]          |                               |
| Usable Open Space, Minimum                                                                                                         |                          | 23.304.090– Usable Open Space |
| Per Dwelling Unit                                                                                                                  | 100 sq. ft.              |                               |
| Per Group Living Accommodation Resident                                                                                            | 35 sq. ft.               |                               |
| Floor Area Ratio, Maximum                                                                                                          |                          | No maximum                    |
| Main Building Height, Average                                                                                                      |                          | 23.304.050– Building Height   |
| New Construction                                                                                                                   | 40 ft. and 4 stories [2] |                               |
| Residential Additions                                                                                                              | 18 ft. [3]               |                               |
| Notes:                                                                                                                             |                          |                               |
| [1] One additional person is allowed for remaining lot area between 100 and 175 square feet.                                       |                          |                               |
| [2] Maximum 65 feet and 6 stories allowed with a Use Permit.                                                                       |                          |                               |
| [3] Height greater than 18 ft. up to 40 ft. allowed with an AUP. Height greater than 40 ft. up to 65 ft allowed with a Use Permit. |                          |                               |

**TABLE 23.202-16: R-5 SETBACK AND BUILDING SEPARATION STANDARDS**

|                                 | STANDARDS BY BUILDING STORY |                 |                 |                 |                 |                 | SUPPLEMENTAL STANDARDS                                               |
|---------------------------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------------------------------------------------------------|
|                                 | 1 <sup>ST</sup>             | 2 <sup>ND</sup> | 3 <sup>RD</sup> | 4 <sup>TH</sup> | 5 <sup>TH</sup> | 6 <sup>TH</sup> |                                                                      |
| Lot Line Setbacks, Minimum      |                             |                 |                 |                 |                 |                 | 23.304.030–<br>Setbacks                                              |
| Front                           | 10 ft.                      | 10 ft.          | 10 ft.          | 10 ft.          | 10 ft.          | 10 ft.          |                                                                      |
| Rear                            | 15 ft.                      | 15 ft.          | 15 ft.          | 17 ft.          | 19 ft.          | 21 ft.          |                                                                      |
| Interior                        | 4 ft.                       | 4 ft.           | 6 ft.           | 8 ft.           | 10 ft.          | 12 ft.          |                                                                      |
| Street Side                     | 6 ft.                       | 8 ft.           | 10 ft.          | 10 ft.          | 10 ft.          | 10 ft.          | 23.304.040–<br>Building<br>Separation in<br>Residential<br>Districts |
| Building Separation,<br>Minimum | 8 ft.                       | 12 ft.          | 16 ft.          | 20 ft.          | 24 ft.          | 28 ft.          |                                                                      |

**TABLE 23.202-17: R-5 LOT COVERAGE STANDARDS**

|                              | STANDARD BASED ON BUILDING HEIGHT |           |           |           |           |           | SUPPLEMENTAL STANDARDS      |
|------------------------------|-----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------------------------|
|                              | 1 STORY                           | 2 STORIES | 3 STORIES | 4 STORIES | 5 STORIES | 6 STORIES |                             |
| Lot Coverage, Maximum        |                                   |           |           |           |           |           | 23.304.120–<br>Lot Coverage |
| Interior and<br>Through Lots | 55%                               | 55%       | 50%       | 45%       | 40%       | 40%       |                             |
| Corner Lots                  | 60%                               | 60%       | 55%       | 50%       | 45%       | 45%       |                             |

Section 10. That Berkeley Municipal Code Section 23.202.130(E) is hereby amended to read:

**E. Development Standards.**

1. **Basic Standards.** See Table 23.202-18: R-S Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-18: R-S Development Standards.

**TABLE 23.202 -18: R-S DEVELOPMENT STANDARDS**

| BASIC STANDARDS   | SUPPLEMENTAL STANDARDS         |
|-------------------|--------------------------------|
| Lot Area, Minimum | 23.304.020-Lot<br>Requirements |
| New Lots          |                                |

|                                         |                                                              |                                                         |
|-----------------------------------------|--------------------------------------------------------------|---------------------------------------------------------|
| Per Group Living Accommodation Resident | No minimum                                                   |                                                         |
| Residential Density                     |                                                              | 23.106.100-Residential Density                          |
| Minimum (du/acre)                       | 100                                                          |                                                         |
| Maximum (du/acre)                       | No maximum                                                   |                                                         |
| Usable Open Space, Minimum              | 50 sq. ft. per 1,000 sq. ft. of gross residential floor area | 23.304.090-Usable Open Space                            |
| Floor Area Ratio, Maximum               | 4.0                                                          |                                                         |
| Main Building Height, Maximum           | 55 ft.                                                       | 23.304.050-Building Height                              |
| Lot Line Setbacks, Minimum              |                                                              | 23.304.030-Setbacks                                     |
| Front                                   | No minimum                                                   |                                                         |
| Rear                                    | 4 ft.                                                        |                                                         |
| Interior Side                           | 4 ft.                                                        |                                                         |
| Street Side                             | No minimum                                                   |                                                         |
| Building Separation, Minimum            | No minimum                                                   | 23.304.040-Building Separation in Residential Districts |
| Lot Coverage, Maximum                   | 100%                                                         | 23.304.120-Lot Coverage                                 |

Section 11. That the Berkeley Municipal Code 23.202.140(E) is hereby amended to read:

**E. Development Standards.**

**1. Basic Standards.**

- a. Table 23.202-19: R-SMU Development Standards shows lot and height standards that apply in all areas in the R-SMU district.

**TABLE 23.202-19: R-SMU DEVELOPMENT STANDARDS**

| BASIC STANDARDS                         |            | SUPPLEMENTAL STANDARDS        |
|-----------------------------------------|------------|-------------------------------|
| Lot Area, Minimum                       |            | 23.304.020 - Lot Requirements |
| New Lots                                | No minimum |                               |
| Per Group Living Accommodation Resident | No minimum |                               |

| BASIC STANDARDS               |                                                              | SUPPLEMENTAL STANDARDS                                  |
|-------------------------------|--------------------------------------------------------------|---------------------------------------------------------|
| Residential Density           |                                                              | 23.106.100-Residential Density                          |
| Minimum (du/acre)             | 150                                                          |                                                         |
| Maximum (du/acre)             | No maximum                                                   |                                                         |
| Usable Open Space, Minimum    | 40 sq. ft. per 1,000 sq. ft. of gross residential floor area | 23.304.090 – Usable Open Space                          |
| Floor Area Ratio, Maximum     | 7.0                                                          |                                                         |
| Main Building Height, Maximum | 85 ft.                                                       | 23.304.050-Building Height                              |
| Lot Line Setbacks, Minimum    |                                                              | 23.304.030-Setbacks                                     |
| Front                         | No minimum                                                   |                                                         |
| Rear                          | 4 ft.                                                        |                                                         |
| Interior Side                 | No minimum                                                   |                                                         |
| Street Side                   | No minimum                                                   |                                                         |
| Building Separation, Minimum  | No minimum                                                   | 23.304.040-Building Separation in Residential Districts |
| Lot Coverage, Maximum         | 100%                                                         | 23.304.120-Lot Coverage                                 |

2. **Supplemental Standards.** Supplemental development standards that apply in the R-SMU district are noted in Table 23.202-19.

Section 12. That the Berkeley Municipal Code 23.202.150(D) is hereby amended to read:

- D. *Ground-floor Uses.* See Table 23.202-20: Permitted Street-Facing Ground Floor Uses.

**TABLE 23.202-20: PERMITTED STREET-FACING GROUND FLOOR USES**

| FRONTAGE LOCATIONS  | PERMITTED STREET-FACING GROUND FLOOR USES                                                                                                                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Along Ashby and MLK | Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. At least 50% of the combined frontage of MLK and Ashby must include active ground -floor uses. [1] Active uses at corner locations are |

|                                                                                                                                                                                                                                                                                   |                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                   | encouraged.                                                                                                 |
| Along Adeline                                                                                                                                                                                                                                                                     | Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. |
| Along Woolsey, Tremont [2], or fronting interior public spaces                                                                                                                                                                                                                    | Residential or Non-Residential Uses                                                                         |
| Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner                                                                                                                                                                                               | Residential or Non-Residential Uses                                                                         |
| Along Delaware, Acton, or Virginia                                                                                                                                                                                                                                                | Residential Uses                                                                                            |
| <p>[1] Active uses are commercial uses in the following use categories: Retail; Personal and Household Services; Food and Alcohol Service, and Entertainment.</p> <p>[2] Public entrances for non-residential uses fronting Tremont Street must be located on Woolsey Street.</p> |                                                                                                             |

Section 13. That the Berkeley Municipal Code 23.202.150(F)(1) and (2) are hereby amended to read:

F. Development Standards.

1. **Basic Standards.** See Table 23.202-21.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-21.

**TABLE 23.202-21: R-BMU DEVELOPMENT STANDARDS**

|                                           |                | SUPPLEMENTAL STANDARDS       |
|-------------------------------------------|----------------|------------------------------|
| Lot Area, Minimum                         | No minimum     | 23.304.020-Lot Requirements  |
| Private Usable Open Space, Minimum [1][2] |                |                              |
| Per Dwelling Unit                         | 40 sf/DU       | 23.304.090-Usable Open Space |
| Per Group Living Accommodation Resident   | 15 sf/resident | 23.304.090-Usable Open Space |
| Public Open Space, Minimum                |                |                              |

|                                         |                            |                            |
|-----------------------------------------|----------------------------|----------------------------|
| Per Dwelling Unit                       | 35 sf/unit                 |                            |
| Per Group Living Accommodation Resident | 18 sf/resident             |                            |
| Floor Area Ratio (FAR), Maximum         | 4.2                        |                            |
| Main Building Height, Maximum [3]       | 80 feet and 7 stories      | 23.304.050-Building Height |
| Residential Density, Minimum            | 75 dwelling units per acre |                            |

- [1] Private Usable Open Space may be provided as any combination of personal and common private space.
- [2] 50% of the Private Usable Open Space requirement may be fulfilled through the provision of an equal amount of additional Public Open Space.
- [3] Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.

**Section 14.** That the following lines under the category “Residential Uses” in Table 23.204-1 (Allowed Uses in Commercial Districts) within Berkeley Municipal Code 23.204.020 (Allowed Land Uses) are hereby amended to read:

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |         |        |        |        |        |         |        |        |        |        | USE-SPECIFIC REGULATIONS       |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------|--------|--------|--------|--------|---------|--------|--------|--------|--------|--------------------------------|--|
|                                                                                                                                                                                                                              | C-C                  | C-U     | C-N    | C-E    | C-NS   | C-SA   | C-T     | C-SO   | C-DMU  | C-W    | C-AC   |                                |  |
| <b>Residential Uses</b>                                                                                                                                                                                                      |                      |         |        |        |        |        |         |        |        |        |        |                                |  |
| Dwellings                                                                                                                                                                                                                    |                      |         |        |        |        |        |         |        |        |        |        |                                |  |
| Single-Family                                                                                                                                                                                                                | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | 23.204.060.B.3 ; 23.302.070(H) |  |
| Two-Family                                                                                                                                                                                                                   | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | 23.204.060.B.3 ; 23.302.070(H) |  |
| Multi-Family                                                                                                                                                                                                                 | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | 23.204.060.B.3 ; 23.302.070(H) |  |



| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |         |        |        |        |         |         |        |        |                     |        | USE-SPECIFIC REGULATIONS                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------|--------|--------|--------|---------|---------|--------|--------|---------------------|--------|------------------------------------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U     | C-N    | C-E    | C-NS   | C-SA    | C-T     | C-SO   | C-DMU  | C-W                 | C-AC   |                                                                  |
| Group Living Accommodation                                                                                                                                                                                                       | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH)* | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | 23.204.060.B.3 ; 23.302.070(H)                                   |
| Hotel, Residential                                                                                                                                                                                                               | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH)* | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | 23.204.060.B.3 ; 23.302.070(H)                                   |
| Mixed-Use Residential                                                                                                                                                                                                            | UP(PH)               | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH)* | UP(PH) | UP(PH) | See Table 23.204-41 | UP(PH) | 23.204.060.B.3 ; 23.204.100.B.4 ; 23.204.110.B.5 ; 23.302.070(H) |
| Senior Congregate Housing                                                                                                                                                                                                        | See 23.302.070.I     |         |        |        |        |         |         |        |        |                     |        |                                                                  |

**Section 15.** That Berkeley Municipal Code Section 23.204.110(B)(5) is hereby amended to read:

5. **Residential Use, Ground Floor.** Residential uses are permitted on the ground floor where located behind a commercial use. The ground floor commercial use must meet the following standards:
  - a. Occupy a minimum 30-foot depth of the ground floor, as measured from the ground floor street frontage, and
  - b. Occupy the full extent of the building frontage, excluding required utilities, driveways, pedestrian access and residential lobby.

**Section 16.** That Berkeley Municipal Code Section 23.204.110(D) is hereby amended to read:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.204-32: C-T Development Standards.

**TABLE 23.204-32: C-T DEVELOPMENT STANDARDS**

|                        |                               |
|------------------------|-------------------------------|
| <b>BASIC STANDARDS</b> | <b>SUPPLEMENTAL STANDARDS</b> |
|------------------------|-------------------------------|

|                                                     |                                                              |                                                         |
|-----------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------|
| Lot Area Minimum                                    |                                                              | 23.304.020-Lot Requirements                             |
| New Lots                                            | No minimum                                                   |                                                         |
| Per Group Living Accommodation Resident             | No minimum                                                   |                                                         |
| Residential Density                                 |                                                              | 23.106.100-Residential Density                          |
| Minimum (du/acre)                                   | 200                                                          |                                                         |
| Maximum (du/acre)                                   | No maximum                                                   |                                                         |
| Usable Open Space, Minimum                          | 40 sq. ft. per 1,000 sq. ft. of gross residential floor area | 23.304.090-Usable Open Space                            |
| Floor Area Ratio, Maximum                           | 8.0                                                          |                                                         |
| Telegraph/Channing Parking Garage, APN 55-1879-6-1  | No maximum                                                   |                                                         |
| Main Building Height, Minimum                       | 35 ft.                                                       | 23.304.050-Building Height                              |
| Main Building Height, Maximum                       | 85 ft.                                                       | 23.304.050 – Building Height                            |
| Telegraph/Channing Parking Garage , APN 55-1879-6-1 | 85 ft. and 7 stories                                         |                                                         |
| Lot Line Setbacks, Minimum                          |                                                              | 23.304.030-Setbacks                                     |
| Abutting/Confronting a Non-residential District     | No minimum                                                   |                                                         |
| Abutting/Confronting a Residential District         | See 23.304.030(C)(2)                                         |                                                         |
| Building Separation, Minimum                        | No minimum                                                   | 23.304.040-Building Separation in Residential Districts |
| Lot Coverage, Maximum                               | 100%                                                         | 23.304.120-Lot Coverage                                 |

2. **Lots Abutting or Confronting a Residential District.** See 23.304.130 (Non-Residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.
3. **Environmental Impacts.** Projects that may create environmental impacts as described in the Southside Plan Final EIR shall be subject to the adopted Mitigation Monitoring and Reporting Program (MMRP).

Section 17. That Berkeley Municipal Code Section 23.204.120(D) is hereby amended to read:

#### D. Development Standards.

1. **Basic Standards.** See Table 23.204-33: C-SO Development Standards. For residential-only projects, see also Table 23.204-34: C-SO Setback and Building Separation Standards for Residential-Only Uses and Table 23.204-35: C-SO Lot Coverage Standards for Residential-Only Uses.

**TABLE 23.204-33: C-SO DEVELOPMENT STANDARDS**

|                                                 | Project Land Use              |                     |                      | Supplemental Standards                                   |
|-------------------------------------------------|-------------------------------|---------------------|----------------------|----------------------------------------------------------|
|                                                 | Non-Residential and Mixed Use | Mixed-Use [1]       | Residential Only [1] |                                                          |
| Lot Area, Minimum                               |                               |                     |                      |                                                          |
| New Lots                                        | No minimum                    |                     | 5,000 sq. ft         | 23.304.020– Lot Requirements                             |
| Per Group Living Accommodation Resident         | 350 sq. ft. [2]               |                     |                      |                                                          |
| Usable Open Space, Minimum                      |                               |                     |                      | 23.304.090– Usable Open Space                            |
| Per Dwelling Unit                               | 40 sq. ft. [4]                | 200 sq. ft.         |                      |                                                          |
| Per Group Living Accommodation Resident         | No minimum                    | 90 sq. ft.          |                      |                                                          |
| Floor Area Ratio, Maximum                       | 2.0                           | No maximum          |                      |                                                          |
| Main Building Height, Minimum                   | No minimum                    |                     |                      |                                                          |
| Main Building Height, Maximum                   | 28 ft. and 2 stories          |                     |                      | 23.304.050– Building Height                              |
| Lot Line Setbacks, Minimum                      |                               |                     |                      | 23.304.030– Setbacks                                     |
| Abutting/Confronting a Non-residential District | No minimum                    | See Table 23.204-34 |                      |                                                          |
| Abutting/Confronting a Residential District     | See 23.304.030.C.2            |                     |                      |                                                          |
| Building Separation, Minimum                    | No minimum [3]                | See Table 23.204-34 |                      | 23.304.040– Building Separation in Residential Districts |

|                       | Project Land Use              |               |                      | Supplemental Standards   |
|-----------------------|-------------------------------|---------------|----------------------|--------------------------|
|                       | Non-Residential and Mixed Use | Mixed-Use [1] | Residential Only [1] |                          |
| Lot Coverage, Maximum | 100%                          |               | See Table 23.204-35  | 23.304.120– Lot Coverage |

**Notes:**

- [1] For mixed use and residential only projects, development standards included in this table may be modified. See 23.204.120(D)(3).
- [2] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
- [3] For mixed-use projects, minimum building separation shall be as required for residential-only projects
- [4] No dimension may be less than 6 feet.

**TABLE 23.204-34: C-SO SETBACK AND BUILDING SEPARATION STANDARDS FOR RESIDENTIAL-ONLY USES**

|                                                                                                                                      | STANDARDS BY BUILDING STORY |        |        | SUPPLEMENTAL STANDARDS                                   |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------|--------|----------------------------------------------------------|
|                                                                                                                                      | 1ST                         | 2ND    | 3RD    |                                                          |
| Lot Line Setbacks, Minimum [1]                                                                                                       |                             |        |        | 23.304.030– Setbacks                                     |
| Front                                                                                                                                | 15 ft.                      | 15 ft. | 15 ft. |                                                          |
| Rear                                                                                                                                 | 15 ft.                      | 15 ft. | 15 ft. |                                                          |
| Interior                                                                                                                             | 4 ft.                       | 4 ft.  | 6 ft.  |                                                          |
| Street Side                                                                                                                          | 6 ft.                       | 8 ft.  | 10 ft. |                                                          |
| Building Separation, Minimum [1]                                                                                                     | 8 ft.                       | 12 ft. | 16 ft. | 23.304.040– Building Separation in Residential Districts |
| [1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120(D)(3). |                             |        |        |                                                          |

**TABLE 23.204-35: C-SO LOT COVERAGE STANDARDS FOR RESIDENTIAL-ONLY USES**

|  | STANDARD BASED ON BUILDING HEIGHT |           |           | SUPPLEMENTAL STANDARDS |
|--|-----------------------------------|-----------|-----------|------------------------|
|  | 1 STORY                           | 2 STORIES | 3 STORIES |                        |
|  |                                   |           |           |                        |

|                                                                                                                                      |     |     |     |                          |
|--------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|--------------------------|
| Lot Coverage, Maximum [1]                                                                                                            |     |     |     | 23.304.120– Lot Coverage |
| Interior and Through Lots                                                                                                            | 45% | 45% | 40% |                          |
| Corner Lots                                                                                                                          | 50% | 50% | 45% |                          |
| [1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120(D)(3). |     |     |     |                          |

Section 18. That Berkeley Municipal Code Section 23.204.120(D)(3) is hereby amended to read:

3. **Modification to Standards –Mixed Use and Residential-Only Projects.** The ZAB may modify development standards in Table 23.204-33, Table 23.204-34, and Table 23.204-35 for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:
  - a. The modification will encourage public transit utilization and existing off-street parking facilities in the area of the proposed building.
  - b. The modification will facilitate the construction of residential or tourist hotel uses where appropriate.
  - c. The modification will permit consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose.

Section 19. That Berkeley Municipal Code Section 23.204.130(E)(1)(a) is hereby amended to read:

1. **Height.**
  - a. **Height Limits.** Table 23.204-36: C-DMU Height Limits shows height limits in the C-DMU district, except as otherwise allowed by Paragraph 2 below. See Figure 23.204-5: C-DMU Sub-Areas for district sub-area boundaries.

FIGURE 23.204-5: C-DMU SUB-AREAS



**TABLE 23.204-36: C-DMU HEIGHT LIMITS**

| SUB-AREA   | MINIMUM    | MAXIMUM | MAXIMUM WITH USE PERMIT |
|------------|------------|---------|-------------------------|
| Core Area  | 50 ft.     | 60 ft.  | 75 ft.                  |
| Outer Core | 40 ft.     |         |                         |
| Corridor   | 40 ft.     |         |                         |
| Buffer     | No minimum | 50 ft.  | 60 ft.                  |

Section 20. That Berkeley Municipal Code Section 23.204.130(E)(2)(a) Table 23.204-38 is hereby amended to read:

**TABLE 23.204-37: C-DMU INCREASED HEIGHT ALLOWANCE**

| Sub-Area                     | Number of Buildings | Height  |         |
|------------------------------|---------------------|---------|---------|
|                              |                     | Minimum | Maximum |
| Combined Core and Outer Core | 2                   | 75 ft.  | 120 ft. |
| Core                         | 3                   | 120 ft. | 180 ft. |

Section 21. That Berkeley Municipal Code Section 23.204.130(E)(3)(a) is hereby amended to read:

**3. Setbacks.**

- a. **Basic Standards.** Table 23.204-38 shows minimum required lot line setbacks in the C-DMU district. Additional standards are listed in 23.204.130.3.d.

**TABLE 23.204-38: C-DMU SETBACK STANDARDS**

| PORTION OF BUILDING AT HEIGHT OF: | FRONT                  | MINIMUM INTERIOR SIDE          |                            | MINIMUM REAR |
|-----------------------------------|------------------------|--------------------------------|----------------------------|--------------|
|                                   |                        | 65' AND LESS FROM LOT FRONTAGE | OVER 65' FROM LOT FRONTAGE |              |
| Zero to 20 feet                   | No minimum. 5 ft. max. | No minimum                     |                            |              |
| 21 feet to 75 feet                | No minimum.            | No minimum                     | 5 ft.                      |              |
| 76 feet to 120 feet               | 15 ft. min.            | 5 ft.                          | 15 ft.                     |              |
| Over 120 feet                     | 15 ft. min.            | 15 ft.                         |                            |              |

Section 22. That Berkeley Municipal Code Section 23.204.130(E)(3)(b) is hereby amended to read:

- b. **Modifications to Standards.** The ZAB may modify the setback standards in Table 23.204-38 with a Use Permit upon finding that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

Section 23. That Berkeley Municipal Code Section 23.204.130(E)(3)(c) is hereby amended to read:

- c. **Residential Transitions.** The setback standards in Table 23.204-38 shall not apply to commercial lots abutting or confronting residential zoning. Such lots shall comply with Section 23.304.030(C)(2)—Setbacks (Lots Adjacent to Residential Districts)

Section 24. That Berkeley Municipal Code Section 23.204.130(E)(4) is hereby amended to read:

- 4. **Usable Open Space.** Table 23.204-39 shows minimum required usable open space in the C-DMU district.

**TABLE 23.204-39: C-DMU USABLE OPEN SPACE REQUIREMENTS**

|                                                                                                                                                                | <b>MINIMUM USABLE OPEN SPACE</b>                                                        | <b>SUPPLEMENTAL STANDARDS</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------|
| Residential Uses                                                                                                                                               | 80 sq. ft./unit [1]                                                                     | 23.304.090– Usable Open Space |
| Non-Residential Uses                                                                                                                                           | 1 sq. ft. of privately-owned public open space per 50 sq. ft. of commercial floor area. |                               |
| Note:<br>[1] Each square foot of usable open space provided as privately-owned public open space is counted as two square feet of required on-site open space. |                                                                                         |                               |

Section 25. That Berkeley Municipal Code Section 23.204.140(B)(2) is hereby amended to read:

- 2. **Mixed-Use Residential.**
  - a. See Table 23.204-40 for mixed-use residential permit requirements in the C-W district.

**TABLE 23.204-40: C-W MIXED-USE RESIDENTIAL PERMIT REQUIREMENTS**

| <b>Total Project Floor Area</b> | <b>Permit Required</b> |
|---------------------------------|------------------------|
|---------------------------------|------------------------|



|                                                                                                                      |        |
|----------------------------------------------------------------------------------------------------------------------|--------|
| Projects with both residential and retail uses where the retail space comprises 15% to 33% of total gross floor area |        |
| Less than 20,000 square feet                                                                                         | ZC     |
| 20,000 square feet or more                                                                                           | UP(PH) |
| All other mixed-use residential projects                                                                             |        |
| Less than 5,000 square feet                                                                                          | ZC     |
| 5,000 to 9,000 square feet                                                                                           | AUP    |
| More than 9,000 square feet                                                                                          | UP(PH) |

- b. All new retail uses in an existing mixed-use development are subject to the permit requirements for mixed use development as shown in Table 23.204-40.

Section 26. That Berkeley Municipal Code Section 23.204.140(E)(1) is hereby amended to read:

#### E. Development Standards.

1. **Basic Standards.** See Table 23.204-41 for development standards in the C-W district.

**TABLE 23.204-41: C-W DEVELOPMENT STANDARDS**

| BASIC STANDARDS                         |                            | SUPPLEMENTAL STANDARDS        |
|-----------------------------------------|----------------------------|-------------------------------|
| Lot Area Minimum                        |                            | 23.304.020– Lot Requirements  |
| New Lots                                | No minimum                 |                               |
| Per Group Living Accommodation Resident |                            |                               |
| Usable Open Space, Minimum              |                            | 23.304.090– Usable Open Space |
| Per Dwelling Unit or Live/Work Unit     | 40 sq. ft.                 |                               |
| Per Group Living Accommodation Resident | No minimum                 |                               |
| Floor Area Ratio, Maximum               | 3.0                        |                               |
| Main Building Height, Minimum           | No minimum                 |                               |
| Main Building Height, Maximum           | 40 ft. and 3 stories [1,2] | 23.304.050– Building Height   |
| Lot Line Setbacks, Minimum              |                            | 23.304.030–                   |

|                                                                                                                                                                                                                                                                                            |                    |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Abutting/Confronting a Non-residential District                                                                                                                                                                                                                                            | No minimum         | Setbacks                 |
| Abutting/Confronting a Residential District                                                                                                                                                                                                                                                | See 23.304.030.C.2 |                          |
| Building Separation, Minimum                                                                                                                                                                                                                                                               | No minimum         |                          |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                      | 100%               | 23.304.120– Lot Coverage |
| <p>Notes:</p> <p>[1] 50 ft. and 4 stories allowed for mixed-use projects. The fourth floor must be used for residential or live/work purposes.</p> <p>[2] On Assessor Parcel Numbers 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03 the maximum height is 50 feet and 4 stories.</p> |                    |                          |

Section 27. That Berkeley Municipal Code Section 23.204.150(B)(3)(a) is hereby amended to read:

**3. Permitted Ground Floor Uses.**

- a. **Commercial and Active Commercial Required.** In addition to other requirements of the C-AC district, the first 30 feet of depth of the ground floor, as measured from the frontage which abuts the portions of Adeline Street, Shattuck Avenue, MLK, Jr. Way or Ashby Avenue identified in Table 23.204-42: C-AC Permitted Ground Floor Uses shall be reserved for either Active Commercial Uses, or for commercial uses. Ground floor tenant spaces with frontages on streets not identified below can be used for any use permitted in the district.

**TABLE 23.204-42: C-AC PERMITTED GROUND FLOOR USES**

| AREA                                      | PERMITTED GROUND FLOOR USE |
|-------------------------------------------|----------------------------|
| Shattuck Avenue between Dwight and Derby  | Commercial Uses            |
| Shattuck between Ward and Russell         | Active Commercial Uses     |
| Adeline between Russell and City boundary |                            |
| Ashby, east of Adeline                    |                            |
| North side of Ashby, west of Adeline      |                            |

Section 28. That Berkeley Municipal Code Section 23.204.150(E)(1) is hereby amended to read:

1. **Basic Standards.** See Table 23.204-43: C-AC South Shattuck Subarea Development Standards, and Table 23.204-44: C-AC North and South Adeline Subarea Development Standards.

Section 29. That Berkeley Municipal Code Section 23.204.150(E)(5) Table 23.204-44 is hereby amended to read:

**TABLE 23.204-43: C-AC SOUTH SHATTUCK SUBAREA DEVELOPMENT STANDARDS**

|                                         | PROJECT LAND USE [5]                                                |                                                         |                                                         |                                                         |                                                   |                                |                      | SUPPLEMENTAL STANDARDS        |
|-----------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|--------------------------------|----------------------|-------------------------------|
|                                         | Residential and Mixed Use Tier 1 (Less than 14% affordable housing) | Residential & Mixed Use Tier 2 (14% affordable housing) | Residential & Mixed Use Tier 3 (21% affordable housing) | Residential & Mixed Use Tier 4 (25% affordable housing) | Residential & Mixed Use (100% affordable housing) | Group Living Accommodation [6] | Non-Residential      |                               |
| Lot Area Minimum                        |                                                                     |                                                         |                                                         |                                                         |                                                   |                                |                      | 23.304.020– Lot Requirements  |
| New Lots                                | No minimum                                                          |                                                         |                                                         |                                                         |                                                   | 350 sq. ft.                    |                      |                               |
| Per Group Living Accommodation Resident | N/A                                                                 |                                                         |                                                         |                                                         |                                                   | 350 sq. ft. [1]                |                      |                               |
| Usable Open Space, Minimum [3]          | 40 sq. ft                                                           |                                                         |                                                         |                                                         |                                                   |                                |                      |                               |
| Per Dwelling Unit/GLA Resident [4]      | 40 sq. ft.                                                          |                                                         |                                                         |                                                         |                                                   |                                |                      | 23.304.090– Usable Open Space |
| Floor Area Ratio, Maximum               | 2.5                                                                 | 4.0                                                     | 5.0                                                     | 5.5                                                     | 5.5                                               | 2.5                            | 2.5                  |                               |
| Main Building Height, Maximum           | 4 stories<br>45 feet                                                | 6 stories<br>65 feet                                    | 7 stories<br>75 feet                                    | 8 stories<br>85 feet                                    | 8 stories<br>90 feet                              | 4 stories<br>45 feet           | 4 stories<br>45 feet | 23.304.050– Building Height   |

|                                                 | PROJECT LAND USE [5]                                                |                                                         |                                                         |                                                         |                                                   |                                       |                 | SUPPLEMENTAL STANDARDS  |
|-------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|---------------------------------------|-----------------|-------------------------|
|                                                 | Residential and Mixed Use Tier 1 (Less than 14% affordable housing) | Residential & Mixed Use Tier 2 (14% affordable housing) | Residential & Mixed Use Tier 3 (21% affordable housing) | Residential & Mixed Use Tier 4 (25% affordable housing) | Residential & Mixed Use (100% affordable housing) | Group Living Accommodation [6]        | Non-Residential |                         |
| Residential Density, Maximum (du/acre) [2]      | 120                                                                 | 210                                                     | 250                                                     | 300                                                     | 300                                               | 1 GLA resident per 350 sf of lot area | N/A             |                         |
| Lot Line Setbacks, Minimum                      |                                                                     |                                                         |                                                         |                                                         |                                                   |                                       |                 | 23.304.030–Setbacks     |
| Abutting/Confronting a Non-residential District | No minimum                                                          |                                                         |                                                         |                                                         |                                                   |                                       |                 |                         |
| Abutting/Confronting a Residential District     | See 23.204.150(E)                                                   |                                                         |                                                         |                                                         |                                                   |                                       |                 |                         |
| Building Separation, Minimum                    | No minimum                                                          |                                                         |                                                         |                                                         |                                                   |                                       |                 |                         |
| Lot Coverage, Maximum                           |                                                                     |                                                         |                                                         |                                                         |                                                   |                                       |                 | 23.304.120–Lot Coverage |
| Interior Lot                                    | 60%                                                                 | 90%                                                     | 90%                                                     | 90%                                                     | 90%                                               | 60%                                   | 100%            |                         |
| Corner Lot                                      | 70%                                                                 | 90%                                                     | 90%                                                     | 95%                                                     | 95%                                               | 70%                                   | 100%            |                         |

|  | PROJECT LAND USE [5]                                                |                                                         |                                                         |                                                         |                                                   |                                | SUPPLEMENTAL STANDARDS |
|--|---------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|--------------------------------|------------------------|
|  | Residential and Mixed Use Tier 1 (Less than 14% affordable housing) | Residential & Mixed Use Tier 2 (14% affordable housing) | Residential & Mixed Use Tier 3 (21% affordable housing) | Residential & Mixed Use Tier 4 (25% affordable housing) | Residential & Mixed Use (100% affordable housing) | Group Living Accommodation [6] |                        |

Notes:

- [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
- [2] For the purposes of calculating the State Density Bonus the Tier 1 density shall constitute the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n).
- [3] An AUP may be granted to reduce usable open space requirements if shown to be necessary to build an all-electric building.
- [4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.
- [5] Affordable units calculated as percentage of total units

Section 30. That Berkeley Municipal Code Section 23.204.150(E)(5) Table 23.204-45 is hereby amended to read:

**TABLE 23.204-44: C-AC NORTH AND SOUTH ADELIN SUBAREA DEVELOPMENT STANDARDS**

|  | Project Land Use [6] | Supplemental |
|--|----------------------|--------------|
|--|----------------------|--------------|

|                                            | Residential and Mixed Use Tier 1 (Less than 14% affordable housing) | Residential & Mixed Use Tier 2 (14% affordable housing) | Residential & Mixed Use Tier 3 (21% affordable housing) | Residential & Mixed Use Tier 4 (25% affordable housing) | Residential & Mixed Use (100% affordable housing) | Group Living Accommodation            | Non-Residential | Standards                    |
|--------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|---------------------------------------|-----------------|------------------------------|
| Lot Area Minimum                           |                                                                     |                                                         |                                                         |                                                         |                                                   |                                       |                 | 23.304.020-Lot Requirements  |
| New Lots                                   | No minimum                                                          |                                                         |                                                         |                                                         |                                                   |                                       |                 |                              |
| Per Group Living Accommodation Resident    | N/A                                                                 |                                                         |                                                         |                                                         |                                                   | 350 sq. ft. [1]                       | N/A             |                              |
| Usable Open Space, Minimum [3]             | 40 sq. ft.                                                          |                                                         |                                                         |                                                         |                                                   |                                       |                 |                              |
| Per Dwelling Unit/GLA Resident [4]         | N/A                                                                 |                                                         |                                                         |                                                         |                                                   | 40 sq. ft.                            |                 | 23.304.090-Usable Open Space |
| Floor Area Ratio, Maximum                  | 2.0                                                                 | 3.5                                                     | 4.0                                                     | 5.0                                                     | 5.0                                               | 2.5                                   | 2.8             |                              |
| Residential Density, Maximum (du/acre) [2] | 100                                                                 | 150                                                     | 210                                                     | 250                                                     | 250                                               | 1 GLA resident per 350 sf of lot area | N/A             |                              |

|                                                 |                                                                                                                                               |                      |                      |                      |                      |                      |                      |                                                         |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|---------------------------------------------------------|
| Main Building Height, Maximum                   | 3 stories<br>35 feet                                                                                                                          | 5 stories<br>55 feet | 6 stories<br>65 feet | 7 stories<br>75 feet | 7 stories<br>80 feet | 4 stories<br>45 feet | 3 stories<br>45 feet |                                                         |
| Lot Line Setbacks, Minimum                      |                                                                                                                                               |                      |                      |                      |                      |                      |                      |                                                         |
| Abutting/Confronting a Non-residential District | No minimum                                                                                                                                    |                      |                      |                      |                      |                      |                      | 23.304.030-Setbacks                                     |
| Abutting/Confronting a Residential District     | 10 ft<br>20 ft from any shared lot line for any portion exceeding 35 feet<br>45 ft from front property line for any portion exceeding 45 feet |                      |                      |                      |                      | N/A                  |                      | 23.304.030-Setbacks<br>23.204.150.E.5                   |
| Building Separation, Minimum                    | No minimum                                                                                                                                    |                      |                      |                      |                      |                      |                      | 23.304.040-Building Separation in Residential Districts |
| Interior Lot                                    | 60%                                                                                                                                           | 90%                  | 90%                  | 90%                  | 90%                  | 60%                  | 100%                 |                                                         |
| Corner Lot                                      | 70%                                                                                                                                           | 90%                  | 90%                  | 95%                  | 95%                  | 70%                  | 100%                 |                                                         |
| Lot Coverage, Maximum                           | 100%                                                                                                                                          |                      |                      |                      |                      |                      |                      |                                                         |



Notes:

- [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
- [2] For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n).
- [3] An AUP may be granted to reduce useable open space requirements if shown to be necessary to build an all-electric building.
- [4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.
- [5] Affordable units calculated as percentage of total units

Section 31. That Berkeley Municipal Code Section 23.204.150(F)(2)(b) is hereby amended to read:

- b. **Active Commercial Areas.** Ground floor frontages in areas identified as Active Commercial in Table 23.204-42 shall meet the requirements of 23.204.150(F)(2)(a) except:
  - i. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
  - ii. Facades shall provide at least 75 percent transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior. Dark or mirrored glass will not satisfy this requirement.

Section 32. That Berkeley Municipal Code Section 23.204.150(F)(2)(c) is hereby amended to read:

- c. **Commercial Use Areas.** Ground floor frontages in areas identified as commercial in Table 23.204-42 shall meet the requirements of 23.204.150(F)(2)(a) except:
  - i. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
  - ii. Facades shall provide at least 65% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of office spaces. Dark or mirrored glass will not satisfy this requirement.

Section 33. That Berkeley Municipal Code Sub-Sections 23.302.070(H) through (K) are hereby amended to read:

**H. Residential Use, Ground-Floor Units.**

1. Southside Plan Area. In the R-3, R-S, R-SMU, and C-T districts within the Southside Plan boundaries, individual unit entries located within six feet of the front property line shall be at least 18 inches above the finished grade of the adjacent public frontage.

- I. **Senior Congregate Housing.** Table 23.302-10 shows permits required for senior congregate housing.

**TABLE 23.302-10: PERMIT REQUIREMENTS FOR SENIOR CONGREGATE HOUSING**

| PROJECT                                                         | PERMIT REQUIRED |
|-----------------------------------------------------------------|-----------------|
| Change of use from an existing dwelling unit to accommodate six | ZC              |

|                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| or fewer people                                                                  |        |
| Change of use from an existing dwelling unit to accommodate seven or more people | AUP    |
| New construction to accommodate any number of people                             | UP(PH) |

**J. Supportive Housing.**

1. *Permits Required.* Supportive housing shall be allowed by right in zones where multifamily and mixed uses are permitted, if the proposed housing development satisfies requirements pursuant to Government Code Section 65651(a).

**K. Smoke Shops.** In all districts, smoke shops are not permitted within 1,400 feet of a school or public park.

**L. Warehouse Storage for Retail Use.**

1. In all districts where retail uses are allowed, on-site storage of goods is allowed as an accessory use to a primary retail use on the lot.
2. The storage of goods for a contiguous and directly accessible retail space is allowed in the MU-LI and MU-R districts subject to the following:
  - a. An AUP is required for storage 3,000 square feet or less; a Use Permit is required for storage more than 3,000 square feet.
  - b. Except for food product stores in the MU-LI district, the storage is permitted only for uses within the district. Storage for retail uses wholly or partially outside the district is not permitted.

Section 34. That Berkeley Municipal Code Section 23.304.030 Table 23.304-1 is hereby amended to read:

**TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS**

| DISTRICT WHERE ALLOWED          | WHEN ALLOWED | MINIMUM SETBACK WITH REDUCTION | REQUIRED PERMIT | REQUIRED ADDITIONAL FINDINGS [1]                                                                                                                                                          |
|---------------------------------|--------------|--------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Front Setback Reductions</b> |              |                                |                 |                                                                                                                                                                                           |
| ES-R                            | On any lot   | No minimum.                    | UP(PH) [2]      | The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |

| DISTRICT WHERE ALLOWED         | WHEN ALLOWED                                                 | MINIMUM SETBACK WITH REDUCTION                  | REQUIRED PERMIT | REQUIRED ADDITIONAL FINDINGS [1]                                                                                                                                                             |
|--------------------------------|--------------------------------------------------------------|-------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rear Setback Reductions</b> |                                                              |                                                 |                 |                                                                                                                                                                                              |
| ES-R [3]                       | On any lot                                                   | No minimum                                      | UP(PH) [2]      | The reduced setback is:<br>1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |
| R-1, R-1A                      | On a lot less than 100 ft. deep                              | 20% of lot depth                                | ZC              | None                                                                                                                                                                                         |
| R-1A                           | To construct a dwelling unit                                 | 12 ft.                                          | AUP             | The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.                                                                   |
| R-2, R-2A, R-3, R-4, R-5 [4]   | On a lot with two or more main buildings with dwelling units | No minimum                                      | AUP             | No additional findings                                                                                                                                                                       |
| <b>Side Setback Reductions</b> |                                                              |                                                 |                 |                                                                                                                                                                                              |
| ES-R [3]                       | Any lot                                                      | No minimum                                      | UP(PH) [2]      | The reduced setback is:<br>1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose. |
| R-1, R-1A                      | Lot width less than 40 ft. [5]                               | 10% of lot width or 3 ft., whichever is greater | ZC              | None                                                                                                                                                                                         |

| DISTRICT WHERE ALLOWED | WHEN ALLOWED               | MINIMUM SETBACK WITH REDUCTION                                                                | REQUIRED PERMIT | REQUIRED ADDITIONAL FINDINGS [1] |
|------------------------|----------------------------|-----------------------------------------------------------------------------------------------|-----------------|----------------------------------|
| R-2, R-2A              | Lot width less than 40 ft. | First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 5 ft. | ZC              | None                             |

**Notes:**

[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.

[2] Fire Department must review and approve reduced setbacks in respect to fire safety.

[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.

[4] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.

[5] Not permitted for rear main buildings in the R-1A district.

Section 35. That Berkeley Municipal Code Section 23.304.030 Table 23.304-3 is hereby amended to read:

**TABLE 23.304-3: SETBACKS ADJACENT TO RESIDENTIAL DISTRICTS**

| District                                                      | Minimum Lot Line Setback when Lot Line Abuts or Confronts a Lot in a Residential District |                                                        |               |                                                       |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------|-------------------------------------------------------|
|                                                               | Front                                                                                     | Rear                                                   | Interior Side | Street Side                                           |
| C-C, C-U, C-N, C-E, C-NS, C-SA, C-SO, C-DMU, C-W, C-AC, MU-LI | Same as required in adjacent Residential District [1]                                     | 10 feet or 10% of the lot depth, whichever is less     | 5 ft.         | Same as required in adjacent Residential District [1] |
| C-T                                                           | No minimum                                                                                |                                                        | 5 ft.         | 4 ft.                                                 |
| MU-R                                                          | 10 ft. [1]                                                                                | 10 feet or 10% of the lot width, whichever is less [2] |               |                                                       |

Notes:

[1] In the MU-LI and MU-R districts, setback may be reduced to the smaller of front setbacks on abutting lot with an AUP.

[2] This applies to lots that abut or confront a lot either in a Residential District or containing one or more dwelling units.

Section 36. That Berkeley Municipal Code Section 23.304.040 Table 23.304-4 is hereby amended to read:

**TABLE 23.304-4: PERMITS REQUIRED FOR BUILDING SEPARATION REDUCTIONS IN RESIDENTIAL DISTRICTS**

| DISTRICT WHERE ALLOWED      | WHEN ALLOWED                                                  | PERMIT REQUIRED | FINDINGS [1]                                                                                                                                                                                                                                                                                      |
|-----------------------------|---------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R-1A                        | On a lot with two or more main buildings with a dwelling unit | AUP             | The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.                                                                                                                                                                        |
| R-2, R-2A, R-3[2], R-4, R-5 | On a lot with two or more main buildings with a dwelling unit | AUP             | No additional findings                                                                                                                                                                                                                                                                            |
| ES-R [3]                    | Any lot                                                       | UP(PH)          | 1) The reduced building separation is necessary to allow economic use of property for residential purposes; 2) the development complies with all other applicable setback, coverage, and floor requirements; and 3) the reduced building separation is consistent with the ES-R district purpose. |

Notes:

[1] Findings in addition to AUP or Use Permit findings required in Chapter 23.406.

[2] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.

[3] Fire Department must review and approve reduced setbacks in respect to fire safety.

Section 37. That Berkeley Municipal Code Section 23.304.050(C) is hereby added to read:

**C. Parapets Allowed Above Height Limit.** Parapets may exceed the height limit by up to five feet as of right in the following districts:

1. The R-3, R-S, R-SMU, and C-T districts located within the Southside Plan boundaries.
2. The C-DMU district (see Section 23.204.130(E)(1)(b)).
3. The R-BMU district (see Section 23.202.150(F)).
4. The C-AC district (see Section 23.204.150(E)(4)).

Section 38. That Berkeley Municipal Code Section 23.304.090 is hereby amended to read:

**A. Applicability.** The standards in this section apply to areas used to satisfy minimum usable open space requirements.

1. Southside Plan Area Standards.
  - a. For parcels located in the R-3, R-S, R-SMU, or C-T districts within the Southside Plan boundaries, the minimum usable open space required is calculated on a per 1,000 square feet of gross residential floor area basis.
  - b. Certain development projects located in the R-3, R-S, R-SMU or C-T districts within the Southside Plan boundaries may satisfy a portion of the required usable open space by providing residential amenities that meet the qualifying criteria in Section 23.304.090(D) and (E).

**B. Standards.**

1. **Accessibility and Use.** Usable open space shall be accessible to the occupants of the building for active or passive recreation use.
2. **Assignment to Unit.** An area which is accessible and/or usable only by the occupants of a particular dwelling unit may satisfy the usable open space area requirements only for that particular dwelling unit.
3. **Minimum Dimensions.** Except for balconies, a usable open space area must have a minimum width and length of 10 feet.
4. **Balconies.**
  - a. A maximum of 50 percent of the total required usable open space area may be satisfied by balconies.
  - b. A balcony must have a minimum width and length of 6 feet.
  - c. At least one exterior side must be open and unobstructed except for required railings.
5. **Uncovered.** Except for balconies, usable open space shall be at least 75 percent open to the sky.

6. **Slope.** Usable open space must have a slope of 8 percent grade or less.

7. **Landscaping.**

- a. At least 40 percent of the total required usable open space area, exclusive of balconies above the ground floor, shall be landscaped.
- b. A landscaped area may not include off-street parking spaces, driveways, paved walkways and paths, patios and other surfaces covered by concrete or asphalt.
- c. For multiple dwelling uses, required landscaped areas shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants.

8. **Amenities.** Usable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks, sports courts, outdoor seating, decorative paved areas and walkways which do not serve as entrance walkways.

9. **Access Features Not Included.** Usable open space may not contain area designated for off-street parking and loading, service areas, driveways, required walkways or other features used for access to dwelling units.

C. **Other Open Space Areas.** Areas of the lot which do not qualify as usable open space and which are not designated as driveways, off-street parking spaces or required walkways, shall be retained as landscaped areas

D. **Southside Plan Area Shared Indoor Residential Amenities.** A development project located in the R-3, R-S, R-SMU or C-T districts may provide up to 50 percent of the total usable open space required through one or more of the following shared residential amenities. Each shared amenity space shall have a minimum width and length of 10 feet.

1. Gym/Health Club/Fitness Studio;
2. Multipurpose room; or
3. Pet wash room.

E. **Southside Plan Area Pedestrian Amenities.** A development project located in the R-3, R-S, R-SMU or C-T districts within the Southside Plan boundaries may provide pedestrian amenities located on private property in the space immediately adjacent to the building frontage.

1. Each square foot of pedestrian amenity space is counted as 1.5 square feet of usable open space.
2. Pedestrian amenities shall meet all of the following criteria:



- a. Has an average minimum depth of six feet, measured from the front property line;
- b. Does not contain enclosed structures;
- c. Provides pedestrian-scale lighting; and
- d. Is open to the sky, except for the following building encroachments:
  - i. Bay windows.
  - ii. Balconies.
  - iii. Galleries.
  - iv. Awnings/canopies.
  - v. Covered walkways.

Section 39. That Berkeley Municipal Code Sections 23.502.020(D)(4) through (16) are hereby amended to read:

**D. “D” Terms.**

4. **Density.** See 23.106.100-Residential Density.
5. **Density Bonus.** See 23.332.020 (Definitions).
6. **Department.** The Planning and Development Department of the City of Berkeley or its successor administrative unit.
7. **Department Store.** A retail store selling several kinds of merchandise, which are usually grouped into separate sections, including but not limited to, apparel, housewares, household hardware, household appliances, household electronics and gifts.
8. **Dormer.** A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. See also 23.304.110 (Dormers).
9. **Dormitory.** A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.
10. **Drive-in Uses.** A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile. This use includes drive-through food service establishments, financial services (banks), and automatic carwashes.

11. **Driveway.** A paved, vehicular accessway connecting an off-street parking space or parking lot with a public or private street.
12. **Drug Paraphernalia.** As defined in California Health and Safety Code Section 11364.5(d).
13. **Drugstore.** A retail establishment where the profession of pharmacy is practiced and/or where licensed prescription drugs and general merchandise are offered for sale. A food products store with a pharmacy is not a drugstore.
14. **Dry Cleaning and Laundry Plants.** A place where clothes are dry cleaned, dyed and/or laundered as part of a commercial business, whether or not such clothes were deposited by a customer at that location, or transported from another location, as part of a service. This use includes all establishments subject to Section 19233 of the State of California Business and Professions Code, regulating Dry Cleaning Plants, but excludes laundromats and cleaners as defined in this chapter.
15. **Duplex.** A building or use of a lot designed for, or occupied exclusively by, two households.
16. **Dwelling Unit.** A building or portion of a building designed for, or occupied exclusively by, persons living as one household.

Section 40. That Berkeley Municipal Code Sub-Sections 23.502.020(F)(7) through (14) are hereby amended to read:

7. **Floor Area, Gross Residential.** See 23.106.035 – Floor Area, Gross Residential.
8. **Floor Area, Leasable.** See 23.106.040– Floor Area, Leasable.
9. **Floor Area Ratio (FAR).** See 23.106.050– Floor Area Ratio.
10. **Food Product Store.** A retail products store selling foods primarily intended to be taken to another location to be prepared and consumed, and the incidental preparation of food or beverages for immediate consumption off the premises.
11. **Food and Beverage for Immediate Consumption.** The sale of food or non-alcoholic beverages for immediate consumption not on the premises.
12. **Food Service Establishments.** An establishment which in whole or in part prepares food or beverages for immediate consumption on or off the premises.
  - a. **Carry Out Food Store:** A store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. This use is usually characterized as an establishment which serves food altered in texture and/or temperature on a customer-demand basis, puts such food in non-sealed packages or edible containers,

requires payment for such food before consumption, and provides no seating or other physical accommodations for on- premises dining. Examples of this use include delicatessens and other stores without seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. This use excludes bakeries and food products stores.

- b. **Quick Service Restaurant:** An establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. This use is usually characterized as an establishment in which food is cooked on a customer-demand basis, payment is required before consumption, limited or no table service is provided (no waiters), and seating or other physical accommodations for on- premises customer dining is provided. Examples of this use include establishments selling primarily hamburgers or other hot or cold sandwiches, hot dogs, tacos and burritos, pizza slices, fried chicken, or fish and chips.
- c. **Full-Service Restaurant:** An establishment which serves food or beverages for immediate consumption primarily on the premises, with only a minor portion, if any, of the food being taken out of the establishment. This use is characterized as an establishment in which food is cooked or prepared on the premises on a customer-demand basis, which requires payment after consumption, and provides seating and tables for on-premises customer dining with table service (waiters).

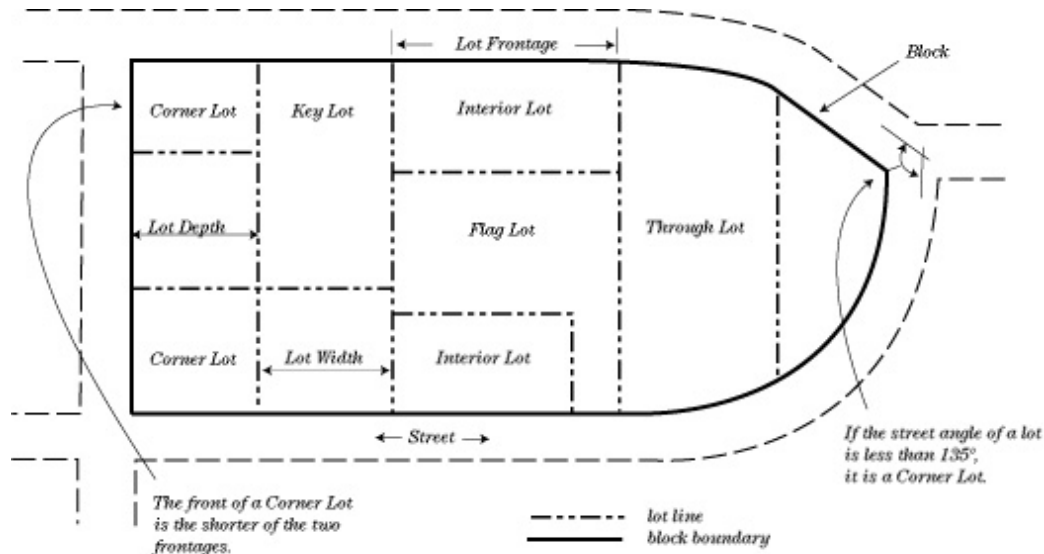
13. **Fraternity House.** A building used for group living accommodations by an organization recognized by the University of California at Berkeley or other institution of higher learning.

14. **Front Wall.** The wall of the building nearest the front lot line.

Section 41. That Berkeley Municipal Code Sections 23.502.020(L) (8) through (22) are hereby amended to read:

- 8. **Lighting, Pedestrian-Scale.** A lighting source that provides lighting for pedestrian space, such as sidewalks, parks, and walking paths. Pedestrian-scale lighting sources are directed toward the sidewalk, positioned lower than roadway lighting, and have a mounting height of between 7 feet and 15 feet above finished grade. Examples include post-top lighting, pendant lighting, bollard light posts, and wall-mounted light fixtures.
- 9. **Limited Equity Cooperative.** The form of ownership defined in Section 11003.4(a) of the Business and Professions Code or other form of ownership, wherein appreciation of equity of dwelling units is no greater than appreciation permitted by California Health and Safety Code Section 33007.5 for a Limited Equity Cooperative.

10. **Live Entertainment.** Any one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged: musical act (including karaoke); theatrical act (including stand-up comedy); play; revue; dance; magic act; disc jockey; or similar activity.
11. **Live/Work.** A built space used or designed to be used both as a workplace and as a residence by one or more persons in conformance with Chapter 23.312 (Live/Work).
12. **Loading Space, Off-street.** A covered or uncovered space for trucks or other delivery vehicles for the loading or unloading of freight, cargo, packages, containers or bundles of goods and/or bulky goods.
13. **Loft.** See mezzanine.
14. **Lot.** A separate legal subdivision of land, as recorded with the County of Alameda Recorder. See Figure 23.502-4: Lot Configuration.
  - a. **Abutting Lot.** A lot having a common property line or separated by a public path or alley, private street or easement to the subject lot.
  - b. **Confronting Lot.** A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.
  - c. **Corner Lot.** A lot bounded on two or more adjacent sides by street lines, providing that the angle of intersection is less than 135 degrees.
  - d. **Flag Lot.** A lot so shaped that the main portion of the lot area does not have direct street frontage, other than by a connection of a strip of land which is used for access purposes.
  - e. **Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or is bounded by more than one street with an intersection greater than or equal to 135 degrees.
  - f. **Key Lot.** Any interior lot which abuts the rear lot line of a corner lot.
  - g. **Receiving Lot.** The lot to which a building is relocated from a different lot.
  - h. **Source Lot.** The lot from which a building is relocated to a different lot.
  - i. **Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

**FIGURE 23.502-4: LOT CONFIGURATION**

15. **Lot Area.** The total horizontal area within a lot's boundary lines.

a. **Lot Area in R-BMU Only:** The total horizontal area within a lot's boundary lines, minus the square footage of the footprints of any buildings, facilities or equipment that are, or shall be, under the control of the San Francisco Bay Area Rapid Transit District (BART).

16. **Lot Coverage.** See 23.106.020 (Lot Coverage).

17. **Lot Depth.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines.

18. **Lot Frontage.** That dimension of a lot's front lot line abutting on a street.

19. **Lot Lines.** The boundaries between a lot and other property or the public right-of-way.

20. **Lot Line, Front.** The shorter of the two intersecting lot lines along the right-of-way of a corner lot shall be deemed to be the front of the lot for purposes of determining the lot frontage and for yard requirements. In the case of a lot having equal frontage, or in the case of an irregularly shaped lot, the Zoning Officer shall determine the front in such a manner as to best promote the orderly development of the immediate area.

21. **Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth.

22. **Low Barrier Navigation Center.** A temporary, low-barrier-to-entry shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, healthy services, shelter, and housing. Low barrier includes best practices to reduce barriers to entry, such

as allowing partners, pets, storage of personal items, and privacy pursuant to California Government Code Section 65660 and includes services to connect people to permanent housing through a service plan and services staffing and a coordinated entry system pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations.

Section 42. That Berkeley Municipal Code Sections 23.502.020(R)(13) through (22) are hereby amended to read:

13. **Residential Density.** See 23.106.100-Residential Density
14. **Residential Districts.** The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.
15. **Residential Hotel Room.** A room which is:
  - a. Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;
  - b. Not a complete dwelling unit, as defined in this chapter; and
  - c. Not a Tourist Hotel Room, as defined in this chapter.
16. **Residential Use.** Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.
17. **Retail, General.** A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.
18. **Retaining Wall.** A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.
19. **Review Authority.** The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

- 20. **Room, Multipurpose.** An area designed to accommodate a range of recreation and assembly activities, such as meetings, conferences, social gatherings, and studying.
- 21. **Room, Pet Wash.** An area designed to accommodate self-service pet washing, including grooming, to support animal and resident health.
- 22. **Rooming House.** A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

Section 43. Effective Date

The effective date of this Ordinance shall be March 1, 2024.

Section 44. 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 special meeting of the Council of the City of Berkeley held on November 21, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

- Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Arreguin.
- Noes: None.
- Absent: Wengraf.

### Exhibit A: Proposed Zoning Map – Southside Plan Area





ORDINANCE NO. 7,891-N.S.

LEASING THE ANN CHANDLER HEALTH CENTER AT 830 UNIVERSITY TO  
BERKELEY FREE CLINIC

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

Section 1. FINDINGS:

1. The City of Berkeley acquired 830 University Avenue in 1933 for use as a health clinic.
2. The Department of Health, Housing, and Community Services' Public Health Division ceased operating clinic services in 830 University Avenue in early 2023.
3. Berkeley Free Clinic has proposed to move their current operations to this location.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A LEASE FOR 830 UNIVERSITY.

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with Berkeley Free Clinic for real property located at 830 University and known at the Ann Chandler Health Center. 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.

At a regular meeting of the Council of the City of Berkeley held on November 28, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

**LEASE**

**By and Between**

CITY OF BERKELEY  
a Charter City organized and existing under the laws of the State of California  
("Landlord")

**and**

BERKELEY COMMUNITY HEALTH PROJECT DBA BERKELEY FREE CLINIC  
a non-profit corporation  
("Tenant")

Dated:                     , 2023

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**LEASE**

**BASIC LEASE INFORMATION**

- 1. **Landlord:** City of Berkeley, a Charter City organized and existing under the laws of the State of California  
2180 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
Attn: Deputy Director, Health, Housing, and Community Services  
Telephone: 510-981-5400
- 2. **Tenant:** Berkeley Community Health Project dba Berkeley Free Clinic, a non-profit corporation  
2339 Durant Avenue  
Berkeley, CA 94704  
Phone: 510-548-2570
- 3. **Effective Date:** \_\_\_\_\_, 2023
- 4. **Premises:** Approximately ten thousand (10,000) rentable square feet of space in the building commonly known and referred to as 830 University Avenue, Berkeley, California 94710 (the "**Premises**").
- 5. **Permitted Uses:** Medical office and clinical operations to serve low income and unhoused residents of the City of Berkeley. Any other associated or related legal uses shall be permitted.
- 6. **Initial Term:** Five (5) years, commencing as of the "**Commencement Date**" as that term is defined in the Lease.
- 7. **Rent:** In lieu of base rent, a monthly Maintenance Fee of two thousand dollars (\$2,000) (hereinafter "Maintenance Fee" or "Rent") shall be paid due during the Initial Term and during any Additional Term.

The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease. In the event of any conflict between the Basic Lease Information and terms of the Lease, the terms of the Lease shall control.

LANDLORD'S INITIALS \_\_\_\_\_

TENANT'S INITIALS \_\_\_\_\_

## LEASE

This Lease Agreement ("**Lease**") is made and entered into as of the effective date specified in Section 3 of the Basic Lease Information, above ("**Effective Date**"), by and between City of Berkeley, a Charter City organized and existing under the laws of the State of California ("**Landlord**" or "**City**"), and Berkeley Community Health Project dba Berkeley Free Clinic, a non-profit corporation ("**Tenant**").

### 1. PREMISES.

1.1. Premises. Landlord is the owner of the land parcel(s) on which the Premises are located (the "**Property**"). A legal description of the Property is attached hereto and incorporated by reference as Exhibit A-1. Landlord hereby leases to Tenant, and Tenant leases from Landlord, the Premises together with Tenant Improvements (defined below), if any. A drawing depicting the general location and layout of the demised Premises is attached hereto and incorporated by reference as Exhibit A-2. Any improvements or alterations existing in the Premises, or otherwise constructed by Tenant or on Tenant's behalf therein pursuant to Section 9 of this Lease are referred to in this Lease as "**Tenant Improvements.**"

1.2. Commencement Date: [REDACTED], 2023

1.3. Delivery Condition. Except as otherwise expressly provided, Tenant shall accept the Premises "as is."

1.4. Premises Name. Tenant acknowledges that the Premises has been known as the Ann Chandler Public Health Clinic, and agrees that any name Tenant gives to its operations at the Premises shall include the term "Ann Chandler." By way of example, Tenant may use the name "Berkeley Free Clinic at the Ann Chandler Health Center."

### 2. TERM.

2.1. Initial Term. The "**Initial Term**" of this Lease shall be as set forth in Section 6 of the Basic Lease Information and shall commence as of the Commencement Date set forth in Section 1.2 of the Lease. The Initial Term together with any Renewal Term(s), if any, are collectively referred to herein as the "**Term.**"

2.2. Renewal Term. Tenant shall have one (1) option to renew this Lease for a term of five (5) years (the "**Renewal Term**").

2.2.1 Right to Exercise. Tenant may exercise the option to renew this Lease only if it is fully compliant and current with all obligations after any applicable notice and cure periods as provided for under the Lease.

2.2.2 Notice. Tenant will provide Landlord with written notice of its election to renew the Lease with no less than six (6) months, prior to the end of the Term. If Tenant fails to provide such notice, its right to renew the Lease will not expire until fifteen (15) working days after the Tenant's receipt of Landlord's written demand that the Tenant exercise or forfeit the option to renew.

2.2.3 Extension of Term. Upon the commencement of a Renewal Term, all references to the Term of this lease will be deemed to mean the Term as extended pursuant to this Section 2.2.

### **3. RENT**

3.1. Maintenance Fees in Lieu of Base Rent. In lieu of base rent, Tenant shall pay Maintenance Fees as set forth in Section 7 of the Basic Lease Information. Maintenance Fees under this Lease shall become due as of the Commencement Date. Maintenance Fees shall be paid as set forth in Section 7 of the Basic Lease Information and this Section 3. Tenant shall pay to Landlord, at Landlord's address designated in Section 1 of the Basic Lease Information, or at such other address as Landlord may from time to time designate in writing to Tenant for the payment of Maintenance Fees, the Maintenance Fees designated in Section 7 of the Basic Lease Information, without notice, demand, offset or deduction, in advance, on the first day of each month of the Term. Upon execution of this Lease, Tenant shall pay to Landlord the first month's Maintenance Fees. If Maintenance Fees are due for a period of less than a full month, the amount due shall be prorated for such partial month on the basis of a 30-day month.

3.1.1 Application of Payments. All payments received by Landlord from Tenant shall be applied to the oldest obligation owed by Tenant to Landlord. No designation by Tenant, either in a separate writing, on a check or money order, or otherwise shall modify this clause or have any force or effect.

### **4. UTILITIES**

4.1. Tenant Utility and Service Costs. Tenant shall pay for all utilities and services required or desired by Tenant in connection with its use or occupancy of the Premises, including: (i) heat and air conditioning; (ii) water; (iii) gas, if applicable; (iv) elevator or lift service, if any; (v) electricity; (vi) telephone, computer, communications; (vii) trash pick-up; and (viii) any other materials, services, or utilities (individually and collectively, the "**Services**").

4.2. Conservation and Use Policies. Tenant, at its expense, shall comply with federal, state, or local governmental controls, rules, regulations, or restrictions on the use or consumption of energy or other utilities during the Term.

### **5. TAXES**

5.1. Taxes. Tenant represents and warrants that Tenant is a not for profit organization and is exempt from possessory interest tax.

### **6. INSURANCE**

6.1. Landlord. Landlord shall maintain insurance or an insurance equivalent insuring the Premises (excluding Tenant's Property and any Tenant Improvements) on an occurrence basis against fire and extended coverage (including, "all risk" coverage, earthquake/volcanic action, flood and/or surface water insurance) similar in type and coverage limits to that carried by Landlord on its other properties. At Landlord's option, such insurance or insurance equivalent

may be carried under any blanket or umbrella policies or other insurance or insurance equivalent which Landlord has in force for other buildings or projects. Landlord may also carry such other insurance as Landlord may deem prudent or advisable, in such amounts and on such terms as Landlord shall determine. All such insurance or insurance equivalent maintained by Landlord pursuant to this Section 6.1 is referred to herein as "**Landlord's Insurance.**"

6.2. Tenant.

6.2.1 Tenant at its cost shall maintain public liability and property damage 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, including glass insurance and property damage limits of not less than \$200,000 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 indemnity provisions set forth in Section 7. 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. All such insurance or insurance equivalent maintained by Tenant pursuant to this Section 6.2 is referred to herein as "**Tenant's Insurance.**"

6.2.2 If the insurance referred to in this Section 6.2 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.

6.2.3 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.

6.2.4 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 (or, if the insurer will not agree to give such notice, Tenant must promptly notify the City of any such cancellation, termination or modification of coverage); 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, such approval not to be unreasonably withheld, conditioned or delayed.

6.2.5 Tenant shall forward copies of all insurance documents to: Department of Public Works, Real Property Division, 1947 Center Street, Fifth Floor, Ste. 521, Berkeley, California, 94704.

6.2.6 Waivers of Subrogation. Notwithstanding every other provision of this Lease to the contrary, Landlord shall not be liable (by way of subrogation or otherwise) to Tenant (or to any insurance company insuring Tenant), and Tenant shall not be liable (by way of subrogation or otherwise) to Landlord (or to any insurance company insuring Landlord), for any loss or damage to any of the property of Landlord or Tenant, as applicable, with respect to the Building, the Property or the Premises or any addition or improvements thereto, or any contents therein, to the extent covered by insurance carried or required to be carried by Landlord or Tenant, as applicable, even though such loss might have been occasioned by the negligence or willful acts or omissions of Landlord or Tenant, as applicable, or their respective employees, agents, contractors or invitees. Landlord and Tenant shall give their respective insurance providers which issue policies of insurance, with respect to the items covered by this waiver, written notice of the terms of this mutual waiver, and shall have such insurance policies properly endorsed, if necessary, to prevent the invalidation of any of the coverage provided by such insurance policies by reason of such mutual waiver. For the purpose of the foregoing waiver, the amount of any deductible applicable to any loss or damage shall be deemed covered by, and recoverable by Landlord or Tenant, as applicable, under the insurance policy to which such deductible relates.

## **7. INDEMNITY; LIABILITY EXEMPTION.**

7.1. Indemnity. Except to the extent claims are caused by Landlord's negligence or willful misconduct, Tenant shall indemnify, protect, defend, and hold harmless Landlord and its elected officials, officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Term as a result (directly or indirectly) of or in connection with (i) any default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease, where the same continues beyond applicable notice and cure periods; (ii) Tenant's use of the Premises, the conduct of Tenant's business or any activity, work or thing done, permitted or suffered by Tenant in or about the Premises or the Property; (iii) 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; or (iv) any act, error or omission of Tenant in or about the Property or any portion thereof (collectively, the "**Indemnification**"). Tenant shall provide such Indemnification by and through counsel reasonably acceptable to Landlord; provided, additionally, that the Berkeley City Attorney's Office may participate in the response to or defense of any Indemnification claim under this Section 7.1 at the City's sole expense. Without limiting Tenant's Indemnification obligations, Landlord shall be entitled to participate in the defense of any third party claim that is reasonably likely to give rise to Indemnification claim under this Section 7.1. Landlord shall indemnify, protect, defend, and hold harmless Tenant and its officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time



during or after the Term as a result (directly or indirectly) of or in connection (1) the active negligence or willful misconduct of Landlord, or its officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns, and (2) any default in the performance of any obligation on Landlord's part to be performed under the terms of this Lease. The obligations of Tenant and Landlord under this Section 7.1 shall survive the expiration or other termination of this Lease with respect to any claims or liability arising prior to such expiration or other termination.

7.2. Exemption of Landlord from Liability. Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property including, but not limited to, Tenant's Property and any Tenant Improvements, and injury to or death of persons in, upon or about the Premises or the Property arising from any cause, and Tenant hereby waives all claims in respect thereof against Landlord, except to the extent such claims are caused by Landlord's active negligence or willful misconduct. Tenant hereby agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income therefrom or for damage to the property of Tenant, or injury to or death of Tenant's officers, agents, or employees, or any other person in or about the Premises or the Property, whether such damage or injury is caused by fire, steam, electricity, gas, water or rain, or from the breakage, leakage or other defects of sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, or from any other cause, whether said damage or injury results from conditions arising within or about the Premises or the Property or from other sources or places, except damage or injury caused by Landlord's active negligence or willful misconduct. Landlord shall not be liable for any damages arising from any act or neglect of any other tenant or occupant, if any, of the Premises or the Property except to the extent such damages are caused by Landlord's failure to enforce the terms of any agreements or any applicable law with parties other than Tenant.

## **8. REPAIRS AND MAINTENANCE.**

8.1. Landlord's Repair and Maintenance. During the Term, Landlord shall be responsible for maintaining in good order, condition, and repair the following elements of the Premises: the foundations and footings of the Premises; all structural elements of the Premises, including roof structure, exterior walls, and interior bearing walls. Landlord's repair and maintenance requirements under this Section 8.1 shall include the necessary replacement of any of the listed elements of the Premises; provided, however, the scope of such requirements shall be subject to whether landlords of comparable buildings in the City of Berkeley would make the replacements of the listed elements of the Premises.

8.1.1 Performance by Tenant. If Tenant determines that any elements of the Premises subject to this Section 8.1 require maintenance, repair, or replacement, Tenant shall provide written notice of such to Landlord. Should Landlord fail to perform, within a reasonable time after such notice by Tenant, any maintenance, repairs, or replacements subject to this Section 8.1 (and expressly including Landlord's reasonable discretion hereunder), Tenant shall have the right (but not the obligation) to undertake such actions as may reasonably be required to effect a cure of Landlord's failure to so perform. Prior to undertaking any such actions, however, Tenant shall consult with Landlord's Director of Public Works or their designee to determine the appropriate scope and cost of such actions. Landlord shall reimburse Tenant for all agreed upon,

reasonable and necessary costs of cure within thirty (30) days after Tenant's delivery if an itemized statement of such costs, together with reasonable supporting documentation. Tenant may offset against Rent and other sums due to Landlord under the Lease any undisputed sums not timely paid by Landlord to Tenant, including interest thereon at the maximum lawful rate.

8.2. Parking, Exterior Lighting, Landscaping. Tenant shall maintain the exterior lighting system and landscaping of the Building, in good order, condition, and repair.

8.3. Security. Tenant shall maintain all locks and key systems used in the Premises.

## **9. TENANT IMPROVEMENTS.**

9.1. Pre-Approved Tenant Improvements. Tenant acknowledges that Lifelong Medical Care agrees to perform all maintenance, repairs and replacements called for by the May 20, 2022 Building Inspection Report by E. A. Davidovits & Co., Inc. (including all appendices but with the exception of roof maintenance or replacement), attached hereto as Exhibit B at its sole cost and expense.

9.2. Further Tenant Improvements. Tenant may make future alterations and improvements to the Premises with Landlord's prior written consent, not to be unreasonably withheld, conditioned, or delayed. Tenant shall have no duty to remove any alterations or improvements unless they are not customary for medical office use and Landlord notifies Tenant of the removal requirement at the time Landlord gives its consent to the alterations or improvements. Tenant may, at its sole cost and expense, install, operate, maintain, upgrade, repair, or replace an alarm, access control, or other building security system. Tenant may, at its sole cost and expense, install, operate, maintain, upgrade, repair, or replace, a solar electric generating system, which may include rooftop solar panels and battery backups. Landlord expressly grants Tenant the right to install solar panels on the roof of the Premises, and Tenant shall have no duty to remove such solar panels.

9.3. Standard of Work. All work to be performed by or on behalf of Landlord and Tenant shall be performed diligently and in a first-class, workmanlike manner, and in compliance with all applicable Laws and all insurance carrier requirements. Landlord shall have the right, but not the obligation, to periodically inspect such work and may require changes in the method or quality thereof. In no event shall such work materially obstruct access to the Property or any portion thereof.

9.4. Damage; Removal. Tenant shall repair all damage to the Premises, Property and any portions thereof caused by the installation or removal of alterations or other work performed by or on behalf of Tenant. If Landlord requires Tenant to remove improvements under Section 9.2, Tenant shall remove Tenant's trade fixtures and other improvements, alterations and additions and restore the Premises to their condition existing prior to the construction or installation of any such items and perform any closure work, investigation and environmental remedial work required by the presence or suspected presence of any Hazardous Materials under Hazardous Materials Laws (as hereinafter defined) or by any other applicable Laws, but only to the extent Tenant, and not the Landlord or Lifelong (or their respective officers, employees, volunteers, lenders, agents, representatives, contractors and each of their successors and assigns),

is responsible for causing the presence or suspected presence of Hazardous Materials in violation of Hazardous Materials Laws. All such removals and restoration shall be accomplished in a good and workmanlike manner so as not to cause any damage to the Premises or the Property whatsoever and in strict accordance with all applicable Laws.

9.5. Liens. Tenant shall promptly pay and discharge all claims for labor performed, supplies furnished and services rendered at the request of Tenant and shall keep the Premises and Property and all portions thereof free of all mechanics' and materialmen's liens in connection therewith. Tenant shall provide at least ten (10) business days' prior written notice to Landlord before any labor is performed, supplies furnished or services rendered on or at the Premises and Landlord shall have the right to post on the Premises notices of non-responsibility. If any lien is filed, Tenant shall cause such lien to be released and removed within twenty (20) days after the date of filing, and if Tenant fails to do so, Landlord may take such action as may be necessary to remove such lien, without the duty to investigate the validity of it, and Tenant shall pay Landlord such amounts expended by Landlord together with interest thereon, at the Applicable Interest Rate, from the date of expenditure.

9.6. Bonds. Landlord may require Tenant to provide Landlord, at Tenant's sole cost and expense, lien, performance, and payment completion bonds in an amount equal to one and one-half times the estimated cost of any alterations, additions, or improvements to insure Landlord, the Premises and the Property against any liability for mechanic's and materialmen's liens, and to ensure completion of the work and payment of any contractors or subcontractors.

## **10. USE; JOINT POSSESSION; INSPECTION; QUIET ENJOYMENT.**

10.1. Usage. The Premises shall be used only for the permitted uses set forth in Section 5 of the Basic Lease Information and for no other purpose without the prior written consent of Landlord. Tenant acknowledges that, except as expressly set forth in this Lease, neither Landlord nor any of Landlord's agents has made any representation or warranty with regard to the Premises, any Tenant Improvements, or the Property with respect to their suitability for the conduct of Tenant's business. Tenant, at Tenant's expense, shall comply with all applicable Hazardous Materials Laws, statutes, laws, codes, rules, orders, zoning, ordinances, directions, regulations, regulations, permits, or other requirements of federal, state, county, municipal, or other governmental authorities having jurisdiction, now in force or which may hereafter be in force (individually "**Law**" and collectively "**Laws**"), which shall impose any duty upon Landlord or Tenant with respect to the use, occupancy, or alteration of the Premises; provided, however, if the Hazardous Materials was pre-existing prior to the Commencement Date, then Landlord, at its sole cost and expense, shall remedy such condition to comply with all Laws, and further provided that Tenant shall not be required under this Lease to remedy any such condition to the extent it is caused by Lifelong. Tenant shall be responsible for obtaining any permit or license required by any governmental agency permitting Tenant's use of the Premises.

10.2. Joint Possession of and Operations on the Premises. Landlord and Tenant acknowledge and agree that, Landlord shall enter into a separate lease for the Premises with Lifelong to run concurrently with this Lease. Landlord and Tenant further acknowledge and agree that concurrently with the execution of this Lease, Tenant, and Lifelong will enter into a joint operating agreement ("**JOA**") under which Lifelong will occupy the Premises between the

hours of 8:00 a.m. and 5:30 p.m. Monday through Friday, and Tenant will occupy the Premises on weekends and during the weekday hours not devoted to Lifelong's use. It is understood that Lifelong shall be required under the JOA to operate in a manner consistent with the terms of this Lease. The JOA, as it may be revised or amended from time to time, shall be subordinate to the terms of this Lease. The parties agree their usage of the Premises space shall comply with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements. In the event that the lease between Landlord and Lifelong terminates or expires, then Tenant shall have exclusive possession of the Premises twenty-four (24) hours a day, seven (7) days a week with no reduction in the Maintenance Fee. Upon the termination or expiration of the lease between Landlord and Lifelong, the JOA shall be automatically terminated.

10.3. Inspection. Landlord, or its representative or contractor, may enter the Premises by prior appointment with at least two business days' written notice between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted, to determine that (i) the Premises is being reasonably cared for, (ii) no waste is being made and that all actions affecting the Premises are done in the manner best calculated to preserve the Premises, and (iii) Tenant is in compliance with the terms and conditions of this lease.

10.4. Quiet Enjoyment. Tenant may not commit, or suffer to be committed, any waste upon the Premises, or any nuisance or other act or thing that may disturb the quiet enjoyment of any other occupant of the Building. For so long as Tenant is in compliance with the material terms of this Lease, Landlord shall warrant and defend Tenant in the quiet enjoyment and possession of the Premises during the Term. Tenant acknowledges and agrees that possession or use of the Premises by Lifelong in a manner consistent with the terms of any JOA pursuant to Section 10.2 and any applicable laws shall not constitute a violation of this Section 10.4.

## 11. ENVIRONMENTAL MATTERS.

11.1. Hazardous Materials Defined. As used in this lease, the term "**Hazardous Materials**" refers to any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous, biohazardous, or toxic materials, hazardous, biohazardous, or toxic wastes, hazardous, biohazardous, or toxic substances, carcinogenic materials or contaminants, and all other materials governed, monitored, or regulated by any Federal, State or local law or regulation, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act.

11.2. Warranty; Hold Harmless. Landlord warrants that Landlord has no knowledge of the presence of any Hazardous Materials or other contamination in or under the Premises or Property in violation of any laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials. Landlord shall defend, save, protect and hold Tenant harmless from any loss arising out of the presence of any Hazardous Materials on the Property that was not brought to the Property by or

at the request of Tenant, its agents, contractors, invitees or employees. Landlord acknowledges and agrees that Tenant has no obligation to clean up or remediate, or contribute to the cost of clean-up or remediation, of any Hazardous Materials unless such Hazardous Materials are released, discharged or spilled on or about the Property by Tenant or any of its agents, employees, contractors, invitees or other representatives. The obligations of this Section shall survive the expiration or earlier termination of this Lease.

## **12. DAMAGE AND DESTRUCTION.**

12.1. Perilous Condition. If, during the Term, Landlord's Director of Public Works becomes aware of a perilous condition on the Premises that, in his or her opinion, substantially and significantly threatens the health and safety of Tenant's employees or invitees (a "**Perilous Condition**"), the Director of Public Works, or his or her designee, will immediately notify Tenant of such Perilous Condition, and Tenant shall use best efforts to promptly eliminate the Perilous Condition. Tenant shall immediately address any condition reasonably constituting an emergency, whether Tenant learns of the condition through Landlord or otherwise. If Tenant fails to address a Perilous Condition within thirty six (36) hours after Landlord's notice or to immediately address an emergency situation, Landlord may attempt to resolve the Perilous Condition or emergency situation. Subject to repair and maintenance obligations set forth in Section 8, Tenant shall reimburse Landlord for any costs incurred by Landlord in addressing the Perilous Condition or emergency situation promptly upon receipt of any Landlord's invoice for such costs.

12.2. Insured Casualty. If, during the Term, the Premises are totally or partially destroyed or utility services are cut off from any cause rendering the Premises totally or partially inaccessible or unusable (the "**Casualty**"), and if the restoration can be made under then existing Laws and can be completed within one hundred twenty (120) days after obtaining all necessary permits therefor and if the costs of such restoration are compensable by Landlord's insurance (an "**Insured Casualty**"), then Landlord shall restore the Premises (excluding Tenant's Property and any Tenant Improvements) to substantially the same condition as they were in immediately before destruction. If the existing Laws do not permit the restoration or if the costs of such restoration are not compensable by Landlord's insurance, either party may terminate this Lease by giving ninety (90) days' prior written notice to the other party. In case of Insured Casualty, there shall be an abatement or reduction of Maintenance Fees owed to Landlord, between the date of Insured Casualty and the date of completion of restoration if restoration takes place, or the earliest allowed date of termination if restoration does not take place and whether or not the Lease is terminated, based on the proportion to which the destruction renders the Premises unusable by Tenant for the ordinary conduct of business.

12.3. Tenant's Fault. If the Premises, the Property, or any portion thereof, are damaged resulting from the negligence or breach of this Lease by Tenant or any of its agents, employees, contractors, invitees or other representatives and Tenant fails to cure such damage within a reasonable amount of time following written notice from Landlord, Maintenance Fees owed to Landlord shall not be reduced during the repair of such damage, Tenant shall have no right to terminate this Lease as provided in Section 12.1, and Tenant shall be liable to Landlord for the cost of the repair caused thereby to the extent such cost is not covered by insurance proceeds.

12.4. Repair Limitation. Notwithstanding anything in this Lease to the contrary, Landlord shall not be required to repair any injury or damage, by fire or other cause, to Tenant's Property or any Tenant Improvements, if any, or to rebuild, repair or replace any decorations, alterations, partitions, fixtures, trade fixtures, additions or other improvements installed on the Premises by or for Tenant, unless and to the extent Landlord has received insurance proceeds from Tenant's property insurance as provided in Section 6.2 above, and neither Tenant or Landlord has opted to terminate this Lease as provided in Section 12.1.

12.5. Waiver. The provisions of this Lease contain an express agreement between Landlord and Tenant that applies in the event of any Casualty. Tenant fully waives the provisions of any statute or regulation, including California Civil Code sections 1932(2) and 1933(4) (as amended from time to time, and successor statutes thereto) for any rights or obligations concerning a Casualty.

### 13. EMINENT DOMAIN.

13.1. Effect on Rights and Obligations. If the whole or any substantial part of the Premises, or if the Property or any portion thereof which would leave the remainder of the Property unsuitable for the Permitted Uses, or if the land on which the Property is located or any material portion thereof, shall be taken or condemned for any public or quasi public use under governmental law, ordinance or regulation, or by right of eminent domain, or by private purchase in lieu thereof (each a "Taking"), then Landlord may, at its option, terminate this Lease and Maintenance Fees shall be abated during the unexpired portion of this Lease, effective when the physical taking of said Premises or said portion of the Property or land shall occur. However, if Landlord does not, in its sole discretion, opt to terminate this Lease in accordance with this Section 13, then this Lease shall remain in effect. Landlord shall maintain or terminate the leases of all other tenants in the Property who are similarly situated to Tenant consistent with its option with regard to Tenant. Notwithstanding the foregoing, if the whole of the Premises is subject to the Taking, or if the portion of the Premises not affected by the Taking is not in Tenant's business judgment reasonably suitable for Tenant's continued occupancy, Tenant may terminate this Lease as of the date of the Taking and be relieved of all obligations thereafter accruing under this Lease. If Tenant elects to terminate this Lease, Tenant must exercise its right to terminate by giving written notice to Landlord within 30 days after the Taking, as of the date of termination, which date shall not be earlier than 30 days nor later than 90 days after Tenant has notified Landlord of its election to terminate; except that this Lease shall terminate on the date of Taking if the date of Taking falls on a date before the date of termination as designated by Tenant. If Tenant does not terminate this Lease within the 30-day period, this Lease shall continue in full force and effect, except that the Maintenance Fees owed to Landlord thereafter to be paid shall be reduced on a pro-rata basis. Tenant shall notify Landlord in writing of any condemnation or threatened condemnation within ten (10) days after Tenant receives notice of said action or threatened action. Where only a portion of the Premises is subject to a Taking and neither Landlord nor Tenant terminates this Lease, Landlord shall promptly restore the remainder of the Premises into an architectural whole and functional condition and the Maintenance Fees for any portion of the Premises subject to (or rendered unusable by) the Taking shall be abated during the unexpired Term effective when the physical taking of said portion of the Premises shall occur. Provided that Landlord complies with the preceding sentence, the Taking shall not be

construed to constitute an actual or constructive eviction of Tenant or a breach of any express or implied covenant of quiet enjoyment.

13.2. Award. In connection with any condemnation, Landlord shall be entitled to receive all compensation and anything of value awarded, paid, or received in settlement or otherwise ("**Award**") and Tenant hereby irrevocably assigns and transfers to Landlord all rights to and interests in the Award and fully waives, releases, and relinquishes any claim to, right to make a claim on, or interest in the Award, including any amount attributable to any excess of the market value of the Premises for the remainder of the Term over the present value as of the termination date of the Rent payable for the remainder of the Term (commonly referred to as the "**bonus value**" of the Lease). Notwithstanding the foregoing, any portions of such award or proceeds which are specifically allocated by the condemning or purchasing party for the taking of or damage to trade fixtures of Tenant and moving and relocation costs shall be reserved specifically for Tenant.

#### 14. DEFAULT.

14.1. Events of Default. The occurrence of any of the following events shall, at Landlord's option, constitute an "**Event of Default**:"

14.1.1 As to Tenant: (i) Tenant's failure to pay Maintenance Fees within ten business days after receipt of a written notice of such failure from Landlord to Tenant; (ii) Tenant's failure to comply with any other material term or provision of this Lease if such failure is not remedied within thirty (30) days after receipt of a written notice specifying the nature of the breach in reasonably sufficient detail; provided, however, if such default cannot reasonably be remedied within such thirty day period, then a default will not be deemed to occur until the occurrence of Tenant's failure to comply within the period of time that may be reasonably required to remedy the default, up to an aggregate of ninety days (90), provided Tenant commences curing such default within thirty (30) days and thereafter diligently proceeds to cure such default.

14.1.2 As to Landlord: Landlord's failure to perform any obligation under this Lease if such failure is not remedied within thirty (30) days after receipt of a written notice from Tenant to Landlord specifying the nature of the breach in reasonably sufficient detail; provided, however, if such breach cannot reasonably be remedied within such thirty (30) day period, then a default will not be deemed to occur until the occurrence of Landlord's failure to perform within the period of time that may be reasonably required to remedy the breach, up to an aggregate of ninety (90) days, provided Landlord commences curing such breach within thirty (30) days and thereafter diligently proceeds to cure such breach. Notwithstanding the foregoing, if Landlord's failure to perform any obligation under this Lease renders the Premises wholly or partially unusable by Tenant for the ordinary conduct of business for more than two (2) consecutive business days, then Landlord shall remedy such failure within five (5) business days after receiving written notice from Tenant to Landlord and Tenant shall be entitled to an abatement of Maintenance Fees owed to Landlord, to be prorated on the basis of a 30-day month, for the number of days such failure is not remedied after Landlord receives written notice from Tenant. For the avoidance of doubt, the abatement of rent provided for under this Section shall not be Tenant's sole remedy for Landlord's failure to perform Lease obligations.

14.2. Remedies.

14.2.1 Termination. In the event of the occurrence of any Event of Default, Landlord shall have the right to give a written termination notice to Tenant and, on the date specified in such notice (which date shall be at least three (3) business days following the date of delivery of such notice), this Lease shall terminate unless on or before such date all arrears of Rent and all other sums payable by Tenant under this Lease and all costs and expenses incurred by or on behalf of Landlord hereunder shall have been paid by Tenant and all other Events of Default at the time existing shall have been fully remedied to the satisfaction of Landlord.

A. Repossession. Following termination, without prejudice to other remedies Landlord may have, Landlord may (i) peaceably re-enter the Premises upon voluntary surrender by Tenant, or remove Tenant therefrom and any other persons occupying the Premises following reasonable written notice, using such legal proceedings as may be available; (ii) repossess the Premises or relet the Premises or any part thereof for such term (which may be for a term extending beyond the Term), at such rental and upon such other terms and conditions as Landlord in Landlord's sole discretion shall determine, with the right to make reasonable alterations and repairs to the Premises; and (iii) remove all personal property therefrom.

14.3. Cumulative. Each right and remedy of Landlord provided for herein or now or hereafter existing at Law or in equity, by statute or otherwise shall be cumulative and shall not preclude Landlord from exercising any other rights or remedies provided for in this Lease or now or hereafter existing at Law or in equity, by statute or otherwise. No payment by Tenant of a lesser amount than the Maintenance Fees nor any endorsement on any check or letter accompanying any check or payment of Maintenance Fees shall be deemed an accord and satisfaction of full payment thereof; and Landlord may accept such payment without prejudice to Landlord's right to recover the balance of such Maintenance Fees or to pursue other remedies.

**15. ASSIGNMENT AND SUBLETTING.**

15.1. Landlord's Consent. Tenant shall not assign, sublet or otherwise transfer, whether voluntarily or involuntarily or by operation of Law, this Lease, the Premises or any part thereof, without Landlord's prior written approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Upon the assignment of the Lease by Tenant, the Tenant will have no further obligation under the Lease.

15.2. Joint Possession not a Sublease. Landlord and Tenant acknowledge and agree that the JOA shall not constitute a sublease or assignment under this Section 15.

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

16.1. 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.

16.2. 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.

## **17. CITY NON-DISCRIMINATION ORDINANCE**

17.1. 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:

17.1.1 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.

17.1.2 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**

18.1. 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**

19.1. 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

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

19.3. Tenant's failure to comply with this section following thirty (30) days' written notice from Landlord shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 14. 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**

20.1. 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.

20.2. 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 an Event of Default. The City shall (i) handle such records and documents in accordance with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements and (ii) not disclose Tenant's Confidential Information, except as expressly permitted in this Lease or otherwise required by law.

The term "Confidential Information" shall include non-public information about the Tenant's business or activities that is proprietary and/or confidential, including, without limitation, all business, financial, technical, and other information of a party marked or designated as "confidential" (or some similar designation) or that, by its nature or the circumstances surrounding its disclosure, should reasonably be regarded as confidential. Landlord hereby agrees to (i) use the Confidential Information of the Tenant solely for the purpose of performing its obligations under this Agreement; (ii) hold the Tenant's Confidential Information in strict confidence, and; (iii) not disclose such Confidential Information or any part thereof, to any person, except those officers, employees, agents or professional advisors (or those of its

Affiliates) with a strict “need to know” in order for the Landlord to perform its obligations hereunder, provided that such officers, employees, agents or professional advisors shall prior to any disclosure, have agreed by signed writing or otherwise to be bound by confidentiality obligations no less strict than those described herein. Confidential Information shall not include (i) any information already rightfully in the public domain at the time of its disclosure or subsequently released into the public domain by the Tenant; (ii) any information already rightfully in the possession of the Landlord at the time of its disclosure by the Tenant without an obligation to maintain its confidentiality; (iii) any information that is independently developed by the Landlord without use of or reference to any Confidential Information of the Tenant, in either case such fact being proven through documentary evidence; (iv) information obtained by the Landlord from a third Party not in breach of any confidentiality obligations to the Tenant (v) information required to be disclosed by law, a court order or competent government authority, provided that in such case the Landlord shall, to the extent permitted by law, promptly inform the Tenant of such requirement of disclosure such that the Tenant has an opportunity to object to the production or disclosure by seeking a protective order.

Landlord acknowledges that the Tenant considers its Confidential Information to contain confidential, proprietary, trade secret information of the Tenant and that any unauthorized use or disclosure of such information would cause the Tenant irreparable harm for which its remedies at law would be inadequate. Accordingly, Landlord acknowledges and agrees that the Tenant will be entitled in addition to any other remedies available to it at law or in equity, to seek the issuance of injunctive relief, enjoin any breach or threatened breach of the Landlord’s obligations hereunder with respect to the Confidential Information of the Tenant, in addition to such further injunctive relief as any court of competent jurisdiction may deem just and proper.

20.3. 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. Subtenants shall be required to comply with this Ordinance with regard to any employees who spend 25% or more of their compensated time on the Premises.

20.4. 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 20, in addition to any rights and remedies provided by law or equity.

20.5. Tenant's failure to comply with this Section 20 shall constitute an Event of Default. 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**

21.1. 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.

21.2. 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 an Event of Default. The City shall (i) handle such records in accordance with any and all applicable requirements under the Health Insurance Portability and Accountability Act and other legal and health care regulatory requirements and (ii) not disclose Tenant's Confidential Information, except as expressly permitted in this Lease or required by law.

21.3. If Tenant fails to comply with the requirements of this Section 21, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

21.4. Tenant's failure to comply with this Section 21 shall constitute an Event of Default. 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 21. 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**

22.1. 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**

23.1. 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.

23.2. 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 reasonably 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).

23.3. 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. MISCELLANEOUS.**

24.1. General.

24.1.1 Integration. This Lease, together with all exhibits and attachments hereto, the separate lease between Landlord and Lifelong, and the JOA, set forth all the agreements between Landlord and Tenant concerning the Property and the Premises, and there are no agreements either oral or written other than as set forth therein.

24.1.2 Time of Essence. Time is of the essence of this Lease.

24.1.3 Attorneys' Fees. If any action is commenced which arises out of or related to this Lease, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge to be reasonable attorneys' fees, expert fees, and expenses in the

action, in addition to costs and expenses otherwise allowed by Law. In all other situations, including any matter arising out of or relating to any bankruptcy or other voluntary or involuntary proceeding, in or out of court, for the adjustment of debtor-creditor relationships, Tenant agrees to pay all of Landlord's costs and expenses, including attorneys' fees and expert fees, which may be incurred in enforcing or protecting Landlord's rights or interests.

24.1.4 Severability. If any provision of this Lease or the application of any such provision shall be held by a court of competent jurisdiction to be invalid, void or unenforceable to any extent, the remaining provisions of this Lease and the application thereof shall remain in full force and effect and shall not be affected, impaired or invalidated.

24.1.5 Law. This Lease shall be construed and enforced in accordance with the Laws of the State of California, without reference to its choice of law provisions.

24.1.6 Interpretation. The titles to the sections of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. As used in this Lease, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Lease shall be interpreted as though prepared jointly by both parties.

24.1.7 No Option. Submission of this Lease to Tenant for examination or negotiation does not constitute an option to lease, offer to lease or a reservation of, or option for, the Premises; and this Lease shall become effective and binding only upon the execution and delivery hereof by Landlord and Tenant.

24.1.8 Successors and Assigns. This Lease shall be binding upon and inure to the benefit of the successors and assigns of Landlord and, subject to compliance with the terms of Section 15, Tenant.

24.1.9 Third Party Beneficiaries. Nothing herein is intended to create any third party benefit.

24.1.10 No Agency, Partnership or Joint Venture. Nothing contained herein nor any acts of the parties hereto shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture by the parties hereto or any relationship other than the relationship of landlord and tenant.

24.1.11 Merger. The voluntary or other surrender of this Lease by Tenant or a mutual cancellation thereof or a termination by Landlord shall not work a merger and shall, at the option of Landlord, terminate all or any existing subtenancies or may, at the option of Landlord, operate as an assignment to Landlord of any or all of such subtenancies.

24.2. 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.

24.3. Fixtures and Signs. Tenant may (i) make any lawful and proper minor alterations to the Premises; (ii) attach fixtures and interior signs in and on the Premises; and attach signage on the exterior of Building ("**Tenant Fixtures**"). Any signs referring to the name of the Premises shall include the term "Ann Chandler" consistent with the requirements of Section 1.3. Any Tenant Fixtures will remain the property of Tenant and may be removed from the Premises by Tenant at any time during the Term. All alterations and Tenant Fixtures are subject to Landlord's approval, which shall not be unreasonably withheld, conditioned, or delayed, and must comply with existing code requirements. All Tenant Fixtures shall be at Tenant's sole cost and expense. Installations and removals of Tenant Fixtures shall be made in such manner as to avoid injury or defacement of the Premises, and Tenant shall repair any injury or defacement, including discoloration caused by such installation or removal. All signs on the Premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04. Tenant shall be responsible for all fees, costs and expenses associated with installation and removal of Tenant Fixtures. In the event any such fees, costs or expenses are incurred by Landlord (whether directly or indirectly), Landlord shall deliver to Tenant an invoice, with reasonable supporting documentation, and Tenant shall reimburse Landlord for those amounts within thirty (30) days after receipt of such invoice.

24.4. 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.

24.5. Prior Possession. Prior to the Commencement Date, Tenant has the right to (i) undertake Tenant Improvements, and (ii) store supplies and equipment in the Premises.

24.6. Waiver. No waiver of any default or breach hereunder shall be implied from any omission to take action on account thereof, notwithstanding any custom and practice or course of dealing. No waiver by either party of any provision under this Lease shall be effective unless in writing and signed by such party. No waiver shall affect any default other than the default specified in the waiver and then such waiver shall be operative only for the time and to the extent therein stated. Waivers of any covenant shall not be construed as a waiver of any subsequent breach of the same.

24.7. Limitation of Liability. Whenever Landlord transfers its interest, Landlord shall be automatically released from further performance under this Lease and from all further liabilities and expenses hereunder and the transferee of Landlord's interest shall assume all liabilities and obligations of Landlord hereunder from the date of such transfer.

24.8. Notices. All notices to be given hereunder shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or delivered by personal or courier delivery, or sent by facsimile (immediately followed by one of the preceding methods), to Landlord's address and Tenant's address set forth in Sections 1 and 2 of the Basic Lease Information, or to such other place as Landlord or Tenant may designate in a written notice given to the other party. Notices shall be deemed served upon the earlier of receipt or three (3) days after the date of mailing.

24.9. Brokerage Commission. Landlord and Tenant each represents that they have not been represented by any broker in connection with this Lease, and that no real estate broker's

commission, finder's fee or other compensation (individually and collectively, "**Commission**") is due or payable. Tenant agrees to indemnify and hold harmless Landlord from any claims or liability, including reasonable attorneys' fees, in connection with a claim by any person for a Commission based upon any statement, representation or agreement of Tenant.

24.10. Authorization. Each individual or entity executing this Lease on behalf of Tenant represents and warrants that he or she or it is duly authorized to execute and deliver this Lease on behalf of Tenant and that such execution is binding upon Tenant.

24.11. Holding Over. If, with Landlord's express written consent, Tenant holds over the Premises or any part thereof after expiration or earlier termination of the Term, such holding over shall constitute a month-to-month tenancy on all the other terms and conditions of this Lease, except that any obligations resulting from any JOA shall only hold over to the extent the JOA is still in effect. This section shall not be construed as Landlord's permission for Tenant to hold over. Acceptance of Maintenance Fees by Landlord following expiration or termination shall not constitute a renewal of this Lease or extension of the Initial Term or the Renewal Term, as the case may be, except as specifically set forth above. If Tenant remains in possession of the Premises after expiration or other termination of this Lease without Landlord's express written consent, Tenant's continued possession shall be on the basis of a tenancy at sufferance and Tenant shall pay Maintenance Fees of two thousand dollars (\$2,000) per month. If Tenant fails to surrender the Premises upon expiration or other termination of this Lease, Tenant shall indemnify and hold Landlord harmless from and against all loss or liability resulting from or arising out of Tenant's failure to surrender the Premises, including, but not limited to, any amounts required to be paid to any tenant or prospective tenant who was to have occupied the Premises after the expiration or other termination of this Lease and any related attorneys' fees and brokerage commissions.

24.12. Surrender. Upon the expiration or other termination of this Lease or Tenant's right to possession of the Premises, Tenant shall peaceably and quietly leave and surrender to Landlord the Premises, along with appurtenances and fixtures at the Premises (except Tenant Fixtures), all in good condition, ordinary wear and tear, damage by casualty, condemnation, acts of God, and Landlord's failure to make repairs required of Landlord excepted.

24.13. Joint and Several. If Tenant consists of more than one person, the obligation of all such persons shall be joint and several.

24.14. Covenants and Conditions. Each provision to be performed by Tenant or Landlord hereunder shall be deemed to be both a covenant and a condition.

24.15. Intentionally Omitted.

24.16. Accessibility; Disability Laws. To Landlord's actual knowledge, the Premises have not undergone an inspection by a Certified Access Specialist.

"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 lessor 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. "

Since compliance with the ADA and other federal and state disability laws (collectively, "**Disability Laws**") is dependent upon Tenant's specific use of the Premises, Landlord makes no warranty or representation as to whether or not the Premises comply with Disability Laws, except as otherwise expressly provided in this Lease. In the event that Tenant's specific and particular use of the Premises, as distinguished from uses generally associated with those permitted under Section 5, requires modifications or additions to the Premises in order to be in compliance with Disability Laws, Landlord agrees to make any such necessary modifications and/or additions at Tenant's sole cost and expense.

24.17. OFAC Compliance. Tenant represents and warrants to Landlord that Tenant is not a party with whom Landlord is prohibited from doing business pursuant to the regulations of the Office of Foreign Assets Control ("**OFAC**") of the U.S. Department of the Treasury, including those parties named on OFAC's Specially Designated Nationals and Blocked Persons List. Tenant is currently in compliance with, and shall at all times during the term of this Lease remain in compliance with, the regulations of OFAC and any other governmental requirement relating thereto. In the event of any violation of this section, Landlord shall be entitled to immediately terminate this Lease and take such other actions as are permitted or required to be taken under law or in equity. **TENANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS LANDLORD FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, RISKS, LIABILITIES AND EXPENSES (INCLUDING ATTORNEYS' FEES AND COSTS) INCURRED BY LANDLORD ARISING FROM OR RELATED TO ANY BREACH OF THE FOREGOING CERTIFICATIONS.** These indemnity obligations shall survive the expiration or earlier termination of this Lease.

***[SIGNATURES FOLLOW ON NEXT PAGE]***

IN WITNESS WHEREOF, the parties have executed this Lease as of the Effective Date.

**TENANT:**  
BERKELEY COMMUNITY HEALTH  
PROJECT DBA BERKELEY FREE CLINIC,  
a non-profit corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

--AND--

**LANDLORD:**  
CITY OF BERKELEY, a California Charter City

By: \_\_\_\_\_  
Print Name: Dee Williams-Ridley  
Its: City Manager

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

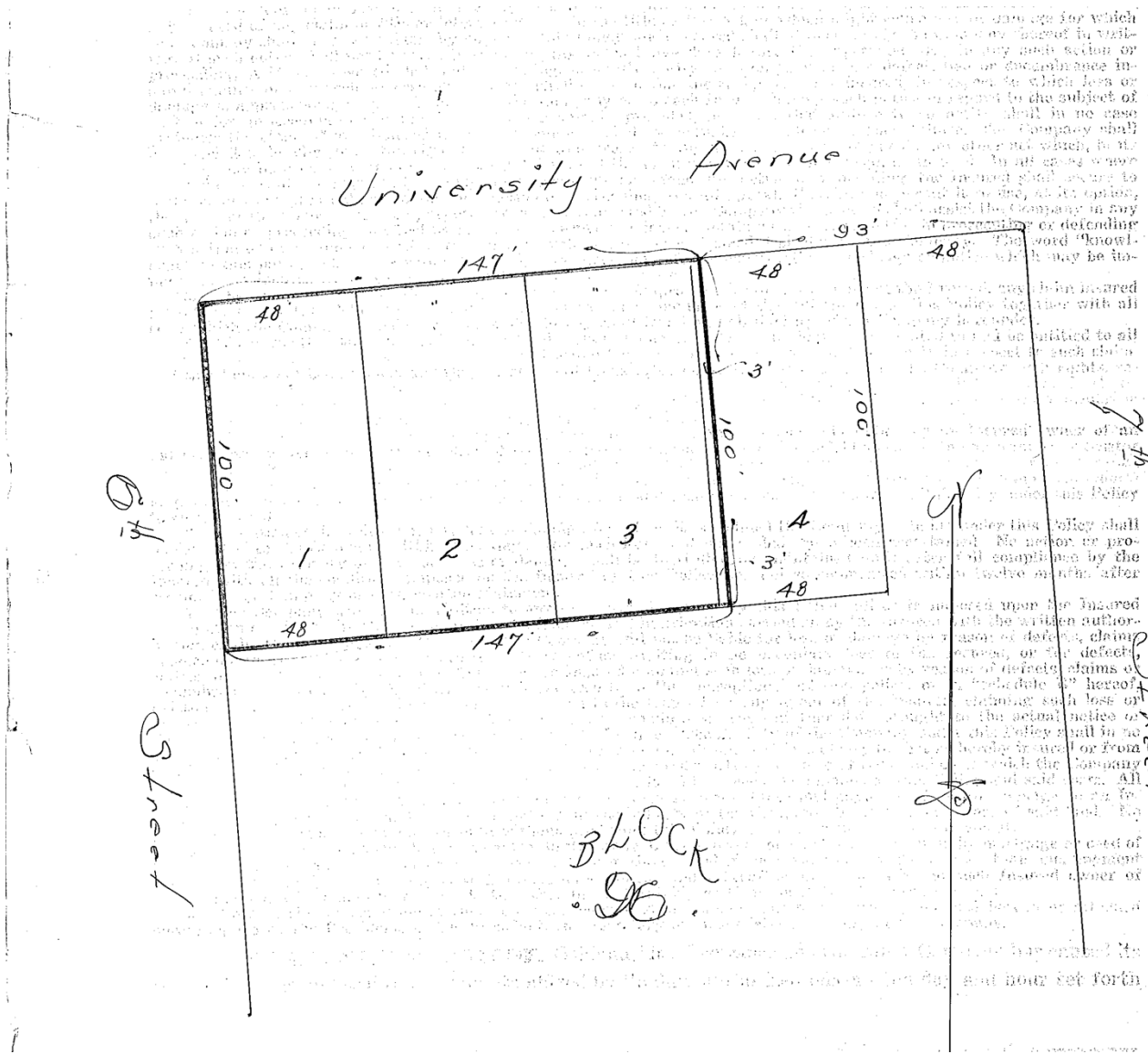
**EXHIBIT A-1**  
**Legal Description of Property**

APN: 56-1066-1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Berkeley, County of Alameda, State of California, described as follows:

Beginning at the point of intersection of the Southern line of University Avenue with the Eastern line of 6<sup>th</sup> Street, as said Avenue and Street are shown on the Map hereinafter referred to; running thence Easterly along said line of University Avenue One Hundred and Forty-Seven feet; thence at right angles Southerly One Hundred feet; thence at right angles Westerly One Hundred Forty-Seven feet to the point of intersection thereof with said Eastern line of 6<sup>th</sup> Street; thence Northerly along said line of 6<sup>th</sup> Street One Hundred feet to the point of beginning.

Being all of Lots Numbered 1, 2, 3, and the Western Three feet of Lot Numbered 4, in Block Numbered 96, as said Lots and Block are delineated and so designated upon that certain Map entitled, "Map of the Sisterna Tract, Berkeley" – filed May 15, 1880 in Liber 7 of Maps, at page 43, in the office of the County Recorder of Alameda County.



BLOCK 96

Street B

UNIVERSITY AVENUE

**EXHIBIT A-2**

**Depiction of Premises**

**EXHIBIT B**

**May 20, 2022 Building Inspection Report by E. A. Davidovits & Co., Inc**



Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of October 23 (special closed), November 6 (special closed), November 7 (regular), November 13 (special closed), November 14 (special and regular), November 21 (special) and November 28 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 23, 2023 – Special Closed Council Meeting
2. November 6, 2023 – Special Closed Council Meeting
3. November 7, 2023 – Regular Council Meeting
4. November 13, 2023 – Special Closed Council Meeting
5. November 14, 2023 – Special Council Meeting
6. November 14, 2023 – Regular Council Meeting
7. November 21, 2023 – Special Council Meeting
8. November 28, 2023 – Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, OCTOBER 23, 2023**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*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/1614932351>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. 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: **161 493 2351**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto: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 this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*



## Preliminary Matters

**Roll Call:** 4:35 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 5:31 p.m.

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. *Prado v. City of Berkeley*, United States District Court for the Northern District of California Case Number 3:23-CV-04537-EMC

**Action:** No reportable action taken.

- b. *Schmier v. City of Berkeley*, Alameda County Superior Court Case Number RG19036596

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 7:31 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 23, 2023.

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Mark Numainville, City Clerk

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, NOVEMBER 6, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

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. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*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/1610918624>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. 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: **161 091 8624**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto: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 this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

## Preliminary Matters

**Roll Call:** 3:08 p.m.

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

**Absent:** None

**Public Comment - Limited to items on this agenda only – 6 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PRUSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

- a. Workers Compensation Claim Number: BER2200083

**Action:** M/S/C (Arreguin/Taplin) to authorize the City Manager to settle by Compromise & Release as to the workers' compensation matter Claim Number: BER2200083.

**Vote:** All Ayes.

### 2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

### 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

- a. Title of position to be evaluated: City Attorney

**Action:** No action taken.

## OPEN SESSION:

City Council met in closed session on November 6, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise & Release, as to the workers' compensation matter Claim Number: BER2200083.

## Adjournment

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

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

Adjourned at 6:01 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on November 6, 2023.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 7, 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. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. 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](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/1609523217>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. 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: **160 952 3217**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto: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 this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

Councilmember Humbert participated in the meeting remotely pursuant to the just cause exemption in the Brown Act as amended by AB 2449.

**Roll Call:** 6:13 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert

**Absent:** Arreguin

**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 Chochenyo (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 50<sup>th</sup> Anniversary of Ashkenaz

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 13 speakers.

**Public Comment by Employee Unions:** 1 speaker

**Report from Closed Session:** City Council met in closed session on November 6, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise & Release, as to the workers' compensation matter Claim Number: BER2200083.

**Action:** M/S/C (Taplin/Robinson) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Excused Absence for Mayor Arreguin.

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

**Public Comment on Consent Calendar and Information Items Only:** 46 speakers.

## Consent Calendar

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

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

### **Urgent Item: Excused Absence for Mayor Arreguin**

**From: Councilmember Bartlett (Author)**

**Recommendation:** Excuse Mayor Jesse Arreguin from the November 7, 2023 Council meeting due to illness.

**Financial Implications:** None

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

**Action:** Approved recommendation.

### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of September 11 (special closed), September 12 (regular), September 18 (special closed), September 19 (regular), September 26 (special closed and special), October 2 (special closed), October 3 (regular) and October 10 (special closed, special and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, (510) 981-6900

**Action:** Approved the minutes as submitted.

### **2. Police Accountability Board – Appointment of New Member**

**From: City Manager**

**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Kesarwani.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, (510) 981-6900

**Action:** Adopted Resolution No. 71,080–N.S.

### **3. Grant-Funded Expenditure Contract with O2X Human Performance to Hire a Behavioral Health and Nutritional Health Specialist in Support of NFPA 1582 and 1583**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with O2X Human Performance to provide full-time behavioral and nutritional health services for the Berkeley Fire Department) for a two (2) year contract period that starts November 8, 2023, and ends on November 8, 2025, in an amount not to exceed \$840,000 with the option to extend two (2) additional years via FEMA’s amendment process to November 8, 2027.

**Financial Implications:** FEMA Fund - \$840,000

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

**Action:** Adopted Resolution No. 71,081–N.S.



## Consent Calendar

- 4. Purchase Order: Water Tender from Golden State Fire Apparatus, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Golden State Fire Apparatus, Inc in an amount not to exceed \$504,110 for the purchase of 3,000-gallon water tender to support the City's efforts improve its capacity to respond to wildfire.  
**Financial Implications:** Measure Q - \$504,110  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,082–N.S.
- 5. Appointment of Interim Health Officer**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager to appoint Dr. Anju Goel, M.D., as the Interim Health Officer for the City of Berkeley.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,083–N.S.
- 6. Reallocation of Unspent FY 2023 Child Care Subsidy Funding**  
**From: City Manager**  
**Recommendation:** Adopt three resolutions authorizing the City Manager or her designee to reallocate \$232,362 in unspent child care subsidy funds awarded through the FY 2020 community agency contract process and amend three existing contracts by increasing their contract limits for the period beginning July 1, 2023 and ending June 30, 2024 by \$77,454 per agency, as follows: BAHIA, Inc. (from \$82,143 to \$159,597); Ephesian Children's Center (from \$45,507 to \$122,961); and Nia House (from \$39,999 to \$117,453).  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,084–N.S. (BAHIA), Resolution No. 71,085–N.S. (Ephesian), and Resolution No. 71,086–N.S. (Nia).

## Consent Calendar

- 7. Northern California Land Trust – 2321 Tenth Street Housing Trust Fund Reservation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Reserving an additional \$1,703,585 in Housing Trust Fund program funds for a development loan for Northern California Land Trust (NCLT)'s 2321-2323 Tenth Street and: a) waiving Sections I.A.1 and IV.C.1 of the Housing Trust Fund Guidelines; b) applying the Small Sites Program standards to the project's development and operating budgets; and c) requiring partial repayment of the loan through the energy efficiency rebates NCLT pursues. 2. Authorizing the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,087–N.S.
- 8. Resolution of Intention to Amend the Miscellaneous CalPERS Contract Pursuant to California Government Code Section 20516 to Reduce the Additional Cost Share Contribution Made by Unrepresented Employees on Behalf of the City**  
**From: City Manager**  
**Recommendation:** Adopt the Resolution of Intention to eliminate the additional cost share contribution made by Unrepresented Employees, who are classified as Public Employees Pension Reform Act (PEPRA) members of the California Public Employees' Retirement System (CalPERS), on behalf of the City to CalPERS pursuant to California Government Code Section 20516.  
**Financial Implications:** See report  
 Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,088–N.S.
- 9. Appointment of Tanir Ami to the Board of Library Trustees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing Tanir Ami to the Board of Library Trustees ("BOLT") for a term of four years beginning November 8, 2023.  
**Financial Implications:** None  
 Contact: Tess Mayer, Library, (510) 981-6100  
**Action:** Adopted Resolution No. 71,089–N.S.
- 10. Audit Recommendation Status - Data Analysis of the City of Berkeley's Police Response (Reviewed by the Public Safety Committee)**  
**From: City Manager**  
**Recommendation:** See policy committee recommendation.  
*Policy Committee Recommendation: Send the item to Council with a positive recommendation.*  
**Financial Implications:** None  
 Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Accepted the item as recommended by the Public Safety Committee.

## Council Consent Items

### 11. **United Against Hate Week 2023**

**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**

**Recommendation:**

1. Adopt a Resolution declaring November 12th – 18th, 2023 as United Against Hate Week.
2. Adopt a Resolution approving the D-13 expenditure in an amount not to exceed \$500 per Councilmember, to support the cost associated with the Berkeley event at the UC Theatre. The total cost is \$3,000.

**Financial Implications:** See report

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

**Action:** Councilmember Humbert added as a co-sponsor.

Adopted Resolution No. 71,090–N.S. (United Against Hate Week) with an amendment in the fifth Whereas clause as noted below.

*WHEREAS, the number of hate crimes across the United States continues to increase with hate crimes against African Americans, Asian Americans, Jews, and Muslims especially increasing; and*

Adopted Resolution No. 71,091–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed – Councilmember Hahn \$300; Councilmember Harrison \$250; Councilmember Humbert \$300; Councilmember Robinson \$150; Councilmember Kesarwani \$100; Councilmember Wengraf \$500; Councilmember Taplin \$500; Vice-Mayor Bartlett \$250.

### 12. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign 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:** Mayor's Discretionary Fund - \$500

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

**Action:** Adopted Resolution No. 71,092–N.S. revised to include contributions from the following Councilmembers up to the amounts listed – Councilmember Hahn \$300; Councilmember Harrison \$250; Councilmember Humbert \$300; Councilmember Robinson \$150; Councilmember Kesarwani \$100; Councilmember Wengraf \$500; Councilmember Taplin \$500; Vice-Mayor Bartlett \$250;

## Council Consent Items

- 13. Budget Referral: Supplemental Funding for Housing Retention Program**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**

**Recommendation:** Refer \$1,000,000 from Measure P tax receipts to the Fiscal Year 2024 AAO1 Budget Process to augment the Housing Retention Program, (administered by the Eviction Defense Center, EDC) as part of the City's anti-displacement programs (launched in 2017), for the purpose of providing rental assistance to tenants.

**Financial Implications:** Measure P Fund - \$1,000,000

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

**Action:** Approved recommendation.

- 14. Transgender Awareness Month and Day of Remembrance Resolution**  
**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a resolution declaring November as Transgender Awareness Month and November 20 as Transgender Day of Remembrance in the City of Berkeley.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 71,093–N.S. with the third Whereas clause amended to read as note below.

*WHEREAS, since 2013, the Human Rights Campaign has tracked incidents of fatal transgender violence, the same year that the Federal Bureau of Investigation began reporting on hate crimes motivated by anti-transgender bias, and in 2023 so far, at least 25 transgender and gender non-conforming lives have been tragically and inhumanely taken through violent means, including through gun and interpersonal violence; and*

- 15. Budget Referral: Refer \$6,000 to the November 2023 AAO #1 for Two Pilot Special Mentoring and Violence Prevention Events for Berkeley Youth**  
**From: Councilmember Harrison (Author), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer \$6,000 to the November AAO #1 to fund two pilot special mentoring and violence prevention events for Berkeley youth as organized by the Berkeley Jr. Jackets and the Young Lives Matter Foundation.

**Financial Implications:** See report

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

**Action:** Vice-Mayor Bartlett added as a co-sponsor. Approved recommendation.

## Council Consent Items

16. **Budget Referral: Refer \$800,000 to the November 2023 AAO #1 for Matching Funds to Repair Eight Deficient Tide Tubes to Avoid Catastrophic Structural Failure and Escalating Construction Costs**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer \$800,000 to the November 2023 AAO #1 to repair eight deficient tide tubes to avoid catastrophic structural and transportation failure, escalating construction costs, certain climate and sea level rise impacts, and further environmental catastrophe by providing the Parks, Recreation & Waterfront Department matching funds for a Federal Highway Administration (FHWA) PROTECT or other available grants.  
**Financial Implications:** See report  
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmembers Taplin and Wengraf added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #1 by Councilmember Harrison.
17. **Resolution Supporting Efforts to Exonerate the Port Chicago 50**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a new resolution supporting local, State, and federal efforts to exonerate the Port Chicago 50; 50 Black sailors who were wrongfully convicted of mutiny during WWII in the wake of a massive, devastating explosion at the Port Chicago naval base near Concord, CA.  
**Financial Implications:** See report  
 Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 71,094–N.S.

## Action Calendar – New Business

18. **Initiative Petition – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations in the City of Berkeley**  
**From: City Manager**  
**Recommendation:**  
 1. Take action on the initiative petition to:  
 a) Adopt the provisions of the measure without alteration.  
**-OR-**  
 b) Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.  
 2) Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.  
**Financial Implications:** None  
 Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 71,095–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.

## Action Calendar – New Business

**19. Pursuant to Chapter 2.99 of the Berkeley Municipal Code Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras**

**From: City Manager**

**Recommendation:** Pursuant to Chapter 2.99 of the Berkeley Municipal Code Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900, Liam Garland, Public Works, (510) 981-6300

**Action:** 1 speaker. M/S/C (Humbert/Taplin) to adopt Resolution No. 71,096–N.S. accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, Unmanned Aerial Vehicles (UAV's), the Street Level Imagery Project, and External Fixed Surveillance Video Cameras.

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

## Action Calendar – New Business

- 20. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*
- From: Energy Commission**
- Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.
- Policy Committee Recommendation: to send the item to the City Council with a qualified positive recommendation, and that the Council consider the following:*
1. *Planning Department's request to continue funding the position of Green Building Program Manager.*
  2. *Specific recommendations in the item around integrating low carbon mobility into the Street Maintenance budget.*
  3. *For the one-time funded pilot programs and positions, assess their effectiveness and consider on-going funding.*
  4. *Direction to staff to look at grant opportunities, in particular the Federal Inflation Reduction Act, to create charging infrastructure particularly at the Zero Waste Facility as the transfer station is being rebuilt.*
- Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400
- Action:** Moved to Consent Calendar. Approved the item as recommended by the Budget & Finance Committee.
- 21a. Referral of Two Health Educator Positions to the COB FY 2024 Budget Process** *(Reviewed by the Budget & Finance Committee)*
- From: Peace and Justice Commission**
- Recommendation:** Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.
- Policy Committee Recommendation: To send the commission item and companion report to the City Council with a negative recommendation, express thanks to the Peace and Justice Commission for their work, and recognize that there is a need for community- and school-based public health outreach, and that the City should consider the recommendation after the completion of the community health assessment.*
- Financial Implications:** See report  
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100
- Action:** See action for Item 21b.

## Action Calendar – New Business

**21b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process** *(Reviewed by the Budget & Finance Committee*

**From: City Manager**

**Recommendation:** Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation.

*Policy Committee Recommendation: To send the commission item and companion report to the City Council with a negative recommendation, express thanks to the Peace and Justice Commission for their work, and recognize that there is a need for community- and school-based public health outreach, and that the City should consider the recommendation after the completion of the community health assessment.*

**Financial Implications:** None

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Moved Item 21.b. to the Consent Calendar. Approved the recommendation of the Budget & Finance Committee.

## Information Reports

**22. Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

**From: City Manager**

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda - 2 speakers.

## Adjournment

**Action:** M/S/C (Bartlett/Taplin) to adjourn the meeting.

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

Adjourned at 8:50 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on November 7, 2023.

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Mark Numainville, City Clerk



## Communications

### North Berkeley BART Development

1. 28 similarly-worded form letter
2. Jason Knox
3. Cheryl Brewster
4. Lea Barrow
5. Alison Teal
6. Leif Brown
7. Leah Levy
8. Harald Leventhal
9. Anne Boersma
10. Tawny Reynolds
11. Rachel Bradley
12. Michael Roche
13. Toni Casal
14. Joan Hamilton
15. Charlene Woodcock
16. Carol Hirth
17. Kitt Saginor
18. Elizabeth Willson
19. D.E. Neyhart
20. David Sochowitzky
21. David Rice
22. Rebecca Olmsted
23. Scott Selmanoff
24. Gary Parsons
25. North Berkeley Neighborhood Alliance
26. Meave O'Connor
27. Kathleen Tuttle
28. Miranda Ewell
29. Sara Cohn
30. Lynda Caesara
31. Kori Kody
32. Leslie Valas
33. Yuval
34. Karl Goldstein
35. Meryl Siegal
36. Gerald Morrison
37. Melanie Lawrence & John Smail
38. Laura Raboff
39. Jennifer King
40. Constance Rivemale
41. Aimee Baldwin
42. Julieta Pisani McCarthy
43. Eileen Hughes

44. Gary Dahl
45. Lois Cantor
46. Tamara Birdsall
47. David Meyer
48. David Benaroya Helfant
49. Gerry Tierney
50. T. Anne Richards
51. Cece Littlepage
52. Jay Harlow
53. Phil Allen
54. Joel Myerson
55. Theresa Gensler
56. Mary Rose
57. Leigh Lightfoot
58. Victoria Eisen (2)
59. Mark Schirmer
60. Raymond Barglow
61. David Brandon
62. Jill Bond
63. Walter Wood
64. Karen Dabrusin
65. Susie Wallenstein
66. Jason Warriner
67. The-Anh Cao
68. Doris Nassiry
69. Mary Behm-Steinberg
70. Virginia Browming
71. Walter Wood
72. Sarah Bell
73. Jeff Baker
74. Phil Allen

### **Crime**

75. Durgesh Srivastava
76. Vivek Dua
77. Aravind & Shalini Kulkarni
78. Benjamin Stein
79. Paula Torbush

### **Encampments**

80. John Caner, on behalf of the Downtown Berkeley Association
81. Joshua Jacobs, Homeless Services Coordinator
82. Ann Murray, on behalf of Revival Restaurant
83. Barbara Rydlander
84. Aimee Baldwin
85. Sabyl Landrum, on behalf of East Bay Community Law Center

- 86. Acacia Schmidt
- 87. Chris Schalis
- 88. Meryl Siegal
- 89. Mary Behm Steinberg
- 90. Vianney, on behalf of Extra Space Storage

**Horses at Golden Gate Fields**

- 91. TC Conrad (2)
- 92. Franziska Marks
- 93. Janine Baer
- 94. Pam Singer
- 95. Samantha Eachus
- 96. Jill Winter
- 97. Christopher Kroll (2)
- 98. Linda Berland

**Miyawaki Forest**

- 99. Rose Schweig

**URL's Only**

- 100. Vivian Warkentin (6)

**Golden Bear**

- 101. Lamar Esquire McKinze

**Chess Club**

- 102. Sally Sommer
- 103. Amy
- 104. Jonah Gottlieb
- 105. Diana Bohn
- 106. Chess Club, Berkeley

**Repave Hopkins**

- 107. Kay Englund
- 108. Carol Hirth
- 109. Lisa Chow
- 110. Chris Hamilton
- 111. Doug Giancoli
- 112. Laura Fuji
- 113. Michael Frantz
- 114. Edward Opton
- 115. Marguerite Lee

**BUSD Concerns**

- 116. Mati Teiblum (3)
- 117. Claudia Eyzaguirre

118. Enikia Ford Morthel (2)

**Smoke Free Multi-Unit Housing**

119. Carol Denney

**SEIU 1021**

120. Andrea Mullarkey

121. Dee Williams-Ridley, City Manager

**UC Berkeley Campus**

122. Shreya Korlipara

123. Guillermo Aguilar Gonzalez

**Bio Labs**

124. Sandra Smith

**Waterfront Specific Plan**

125. Beverley Spencer

126. Gordon Stout

127. Grant Thompson

128. Caitlin Lempres Brostrom

**Tenant Opportunity to Purchase Act (TOPA)**

129. 13 similarly-worded form letters

**Housing**

130. Cecelia Mautner

131. Todd Andrew

**EBMUD Repair**

132. Jason Dearborn

133. Councilmember Harrison

**Global Concerns**

134. Janice Schroeder

**Extreme Fire Weather**

135. Todd Andrew (2)

136. Chief David Sprague

**Heat Advisory**

137. Dee Williams-Ridley, City Manager

**Berkeley Community Media**

138. David Flores

**Pedestrians and Bicyclists**

- 139. Leni Siegel
- 140. Shirley Kirsten
- 141. Margot Smith & George Porter

**Observation of Shattuck Avenue**

- 142. Virginia Kamp

**Longfellow Construction**

- 143. Noelle Burrill

**Noise Standards**

- 144. Anne Whyte (2)
- 145. Rachel Hope Crossman

**Local Union 342**

- 146. Jessica Hattich, on behalf of Business Representative, Tim Knight

**Accessory Dwelling Units (ADU)**

- 147. David Shere
- 148. Kathleen Frumkin
- 149. Cynthia Larson

**Neighbor Complaints**

- 150. Harrod Blank
- 151. Ileen Dunman

**Dogs on Leash Signage**

- 152. Mallory Johnson

**Berkeley Theatre's**

- 153. Kathleen Bolton
- 154. Charlene M. Woodcock

**51B Bus Rapid Transit**

- 155. Liam Laubach

**Resignation from the Civic Arts Commission**

- 156. Rafael Jesus Gonzalez

**Public Transit**

- 157. Barbara Gilbert (2)

**Parking**

- 158. Joe Matera
- 159. Zhong Tran

**Tibetan Association of Northern California Luncheon**

160. Tenzin Tsering

**Prime Roots Event**

161. Sonia Rodrigues

**Agents of Influence Pilot**

162. Anahita Dalmia

**Senior Resource Fair**

163. Joann Sullivan

**Play Café's Showcase of New Musicals**

164. Jamie Greenblatt

**Strawberry Creek**

165. Kathy Farley

**People's Park**

166. Russell Bates

**Fire Safety**

167. Maris Arnold

**Business Plan for Mingling Premier Entertainment, Inc**

168. Eye Candy

**Supplemental Communications and Reports 1**

**Item #16: Budget Referral: Refer \$800,000 to the November 2023 AAO #1 for Matching Funds to Repair Eight Deficient Tide Tubes to Avoid Catastrophic Structural Failure and Escalating Construction Costs**

169. Revised material, submitted by Councilmember Harrison

170. Douglas Smith

171. Susan Schwartz

**Supplemental Communications and Reports 2**

**Item #10: Audit Recommendation Status – Data Analysis of the City of Berkeley's Police Response**

172. David Shere

**Item #11: United Against Hate Week 2023**

173. Eric Friedman (2)

174. Barbara Gilbert

**Item #16: Budget Referral: Refer \$800,000 to the November 2023 AAO #1 for Matching Funds to Repair Eight Deficient Tide Tubes to Avoid Catastrophic Structural Failure and Escalating Construction Costs**

- 175. Sally Nelson
- 176. Melinda Howard-Herrarte, on behalf of the Sierra Club
- 177. Claire Kahane
- 178. Leonard Pitt
- 179. Summer Brenner
- 180. David Brandon

**Item #18: Initiative Petition – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations in the City of Berkeley**

- 181. Barbara Gilbert
- 182. C. Heath

**Supplemental Communications and Reports 3**

**Item #7: Northern California Land Trust – 2321 Tenth Street Housing Trust Fund Reservation**

- 183. Dominique Walker

**Item #16: Budget Referral: Refer \$800,000 to the November 2023 AAO #1 for Matching Funds to Repair Eight Deficient Tide Tubes to Avoid Catastrophic Structural Failure and Escalating Construction Costs**

- 184. Juliet Lamont and Phil Price
- 185. Emily Seelenfreund, on behalf of BORP Adaptive Sports and Recreation

**Item #18: Initiative Petition – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations in the City of Berkeley**

- 186. David Blackwell, on behalf of Allen Matkins Leck Gamble Mailory & Natisis LLP
- 187. Yvonne Dardenne

**Urgent Item**

- 188. Excused Absence for Mayor Arreguin

**Miscellaneous**

**Action for an Accessible “Pathways”**

- 189. Michai Freeman

**Ceasefire in Gaza**

- 190. M Eid Abdallah

**To Professor Reich**

- 191. M Eid Abdallah

**Channing-Telegraph Mall Lease**

- 192. M. Eid Abdallah

**Mental Health Resource Guide – Berkeley Youth**

193. Berkeley Mental Health Advocates



# MINUTES BERKELEY CITY COUNCIL SPECIAL MEETING

**MONDAY, NOVEMBER 13, 2023**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

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.*

*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/1605213034>. 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: **160 521 3034**. 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](mailto: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:** 4:36 p.m.

**Present:** Hahn, Humbert, Robinson, Taplin, Wengraf, Arreguin

**Absent:** Bartlett, Harrison, Kesarwani

Councilmember Bartlett present at 5:34 p.m.

Councilmember Kesarwani present at 5:43 p.m.

**Public Comment - Limited to items on this agenda only – None.**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

|                      |                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property address:    | 3100 Adeline Street, Berkeley, California (Ashby BART: APN 053-1597-039-04; APN 053-1703-009-00)                                                     |
| Agency Negotiators:  | Hon. Jesse Arreguin, Mayor; Dee Williams-Ridley, City Manager; LaTanya Bellow, Deputy City Manager; Jordan Klein, Director of Planning & Development |
| Negotiating parties: | City of Berkeley; Bay Area Rapid Transit District                                                                                                    |
| Property owner:      | City of Berkeley                                                                                                                                     |
| Under negotiation:   | Price and terms                                                                                                                                      |

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 6:23 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of November 13, 2023 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

# MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, November 14, 2023  
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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

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## Preliminary Matters

**Roll Call:** 4:05 p.m.

**Present:** Taplin, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Bartlett, Harrison

Councilmember Bartlett present at 4:06 p.m.

Councilmember Harrison present at 4:08 p.m.

Councilmember Kesarwani present at 4:12 p.m.

## Action Calendar

### 1. **Alameda County Transportation Commission San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements Projects**

**From:** City Manager

**Recommendation:** Adopt a Resolution:

1. Approve the conceptual designs for the San Pablo Avenue Multimodal Corridor Program: Safety Enhancements and Parallel Bike Improvements Projects; as well as the Addison Street Bike Boulevard Connector, within the City of Berkeley (City);
2. Authorize the City Manager to direct City staff to partner with the Alameda County Transportation Commission (Alameda CTC) on final design and implementation of these projects; and
3. Authorize the City Manager to direct staff to grant permits for construction activities within City right-of-way, contingent on City staff approval of final construction drawings and specifications from Alameda CTC.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** M/S/C (Arreguin/Taplin) to accept revised material from Councilmember Taplin.

**Vote:** All Ayes.

**Action:** 17 speakers. M/S/C (Arreguin/Taplin) to adopt Resolution No. 71,097–N.S. as amended in the revised material submitted by Councilmember Taplin at the meeting.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on November 14, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

### Item #1: Alameda County Transportation Commission San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements

1. Revised material, submitted by Public Works

## Supplemental Communications and Reports 2

### Item #1: Alameda County Transportation Commission San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements

2. Supplemental material, submitted by Councilmember Taplin
3. Carol Denney
4. Kot Hordynski
5. Jesse Greenspan
6. Pablo Diza-Gutierrez
7. Brit Harvey
8. Alex Steffen
9. Aimee Baldwin and Meryl Siegal
10. Douglas Smith
11. Kevin Blake
12. Lee Bishop
13. Laila Hamidi
14. Phil Allen
15. Christopher Hamilton
16. Ali Sadeghi, owner of Lavender Bakery and Cafe
17. 35 similarly-worded form letters

## Supplemental Communications and Reports 3

### Item #1: Alameda County Transportation Commission San Pablo Avenue Multimodal Corridor Program: Safety Enhancement and Parallel Bike Improvements

18. Supplemental material, submitted by Councilmember Taplin
19. Henry Pinkard
20. Toni Mester
21. Ted Joseph
22. Kevin Crane
23. Pablo Diaz Gutierrez
24. Igor Tregub, on behalf of the Sierra Club
25. Ben Gerhardstein, on behalf of Walk Bike Berkeley
26. Sheila Newbery
27. Timothy Ross

- 28. Marc Hedlund
- 29. Ian Meyers
- 30. Will Freyman
- 31. Andy Renteria
- 32. Alex Merenkov
- 33. 45 similarly-worded form letters

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 14, 2023**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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## Preliminary Matters

**Roll Call:** 6:34 p.m.

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

**Absent:** None

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

### Ceremonial Matters:

1. Recognition of Lung Cancer Awareness Month
2. Recognition of Dr. Susan Muscarella, Founder of the Jazz School
3. Presentation: AC Transit Realign Process

### City Manager Comments:

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

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

**Public Comment on Non-Agenda Matters:** 20 speakers.

## Consent Calendar

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

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



## Consent Calendar

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

## Consent Calendar

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

## Council Consent Items

8. **Budget Referral: Berkeley Junior Jackets Facilities Expenses**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer to the Annual Appropriations Ordinance #2 process \$7,000 to provide Young Lives Matter Foundation, Inc. the necessary funds for the Berkeley Junior Jackets youth sports program's operating expenses associated with the use of Berkeley Unified School District facilities.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Wengraf added as a co-sponsor. Continued to November 21, 2023 special meeting.
  
9. **Memorandum of Understanding for East Bay Hills Regional Wildfire Prevention and Coordination**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution authorizing the City of Berkeley to enter into a Memorandum of Understanding (MOU) with other jurisdictions in Alameda and Contra Costa Counties to form a Wildfire Prevention Coordinating Group (WPCG) to improve regionwide collaboration to reduce wildfire risk.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Humbert added as a co-sponsor. Continued to November 21, 2023 special meeting.

## Action Calendar – Public Hearings

10. **Renewal of the Elmwood Avenue BID for Calendar Year 2024**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") and, if no majority protest exists, levy annual assessments in the District for calendar year 2024 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
  
**Action:** Public Hearing continued to November 21, 2023 special meeting.

## Action Calendar – Public Hearings

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

**From: City Manager**

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

**Financial Implications:** See report

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

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

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

**From: Fair Campaign Practices Commission**

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

**Financial Implications:** See report

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

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

## Action Calendar – Public Hearings

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

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

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

**Financial Implications:** See report

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

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

## Information Reports

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

**From: City Manager**

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

**Action:** Continued to November 21, 2023 special meeting.

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

**From: City Manager**

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

**Action:** Continued to November 21, 2023 special meeting.

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

**From: City Manager**

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

**Action:** Continued to November 21, 2023 special meeting.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 8:48 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on November 14, 2023.

---

Mark Numainville, City Clerk

## Communications

### Hopkins Street

1. Mariya
2. S. Entwistle

### Ashby BART Housing

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

**Integrating Public Art into the Waterfront Specific Plan**

10. Civic Arts Commission

**Berkeley Robberies**

11. Dave Libby, on behalf of Assembly Builders

**Tenant Opportunity To Purchase Act**

12. Matt Gustafson

**Police Accountability Board (PAB) Memo**

13. Hansel Aguilar, Director of PAB

**Japan Wastewater**

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

**Human Feces**

15. Todd Jersey

**Alameda County Transit Redistricting Plan**

16. Alfred Twu

**National Sandwich Day**

17. Sonia Anand Rodrigues

**Miyawaki Forest**

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

**Mari Mendonca to Berkeley Housing Board**

19. Berkeley Tenants Union

**Chicago's Municipal Grocery Store**

20. Russell Bates

**Cannabis Policy**

21. Getting It Right from the Start

**Encampment Policy**

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

23. Carole Marasovic

**Hate Speech and Hate Crime**

24. Karen Weil

**Israel and Palestine**

25. Amy Cummings

26. Barbara Gilbert

27. Russell Bates

- 28. Virginia Browning
- 29. Luqman Saib

**Ceasefire Now**

- 30. 49 similarly-worded form letters

**Stand with Palestine**

- 31. 40 similarly-worded form letters

**Supplemental Communications and Reports 1**

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

- 32. Jan Pardoe
- 33. Amanda Le

**Supplemental Communications and Reports 2**

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

- 34. Supplemental material, submitted by Councilmember Hahn
- 35. Sabina McMurtry
- 36. Janice Schroeder
- 37. Jennifer Ware
- 38. Ingrid Crickmore
- 39. Carlos Hill and Family
- 40. Louise Palmer
- 41. Joe Michael
- 42. Madeleine Shearer
- 43. Jwalsh525
- 44. Reva Murphy
- 45. Marilyn Poundstone
- 46. Andrew Nimmo
- 47. Emily Earl
- 48. Alfred Twu
- 49. eaa@
- 50. Aaryaman Singhal
- 51. Andre Soucy
- 52. Tyler Kennedy
- 53. Mike Dunham
- 54. Jonathan Singh
- 55. MacKenzie Smith
- 56. Sara Hager
- 57. Oren Cheyette



58. Andre Pegeron
59. Gabriel Lesser
60. Max Davis
61. Adam Buchholz
62. Kate Pocrass
63. David Ying
64. Ben Pearce
65. Oskar
66. Tommaso Sciortino
67. Glenn Alex
68. Andrea Jones
69. David Miller
70. Samuela Evans
71. Salim Damerdji
72. Carl McPherson
73. Molly Miller
74. Matt Blomquist
75. Marc Hedlund
76. Jeannette MacMillan
77. Joaquin Carbonell
78. Barbara Fisher
79. Devin Rand
80. S. Entwistle
81. Jordan Burns
82. Melanie Lawrence and John Smail
83. Milo Trauss
84. Hanah Goldov
85. Jeffrey Baker
86. Lee Bishop
87. Emily McAfee
88. Chris Lee-Egan
89. Sally Greenspan
90. 15 similarly-worded form letters (Postpone)
91. 15 similarly-worded form letters (Strong support)

### **Supplemental Communications and Reports 3**

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

92. Esther Brass

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

93. Aviv Schifrin
94. Grayson Peters
95. Laura Fantone

- 96. Linsy Damashek
- 97. Alok
- 98. Chris Batson
- 99. Paul Bickmore
- 100. David Mendelsohn
- 101. Sabin Ray
- 102. Ross Bernet
- 103. Tess Fruge
- 104. Timothy Ross
- 105. Gael Alcock
- 106. Jason
- 107. Avery Arbaugh
- 108. S. Entwistle
- 109. Stephen Woodrow
- 110. Jordan
- 111. David Shiver, on behalf of Southside Neighborhood Consortium
- 112. Tim Cluvahouse
- 113. Florance Zhang

## **Miscellaneous Communications**

### **Council Meeting Disruptions**

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

### **Ceasefire**

- 117. Mr. Eid

### **Bus Service Proposals**

- 118. Realign

## MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

**Tuesday, November 21, 2023  
9:00 AM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION – 37238 HUCKABY LANE, MURRIETA, CA 92562

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

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## Preliminary Matters

**Roll Call:** 9:03 a.m.

**Present:** Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Wengraf

Councilmember Taplin present at 9:13 p.m.

Councilmember Kesarwani present at 9:13 p.m.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 0 speakers.

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

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

## Consent Calendar

- 1. Contract No. 090741-1 Amendment: Foster and Foster Consulting Actuaries Inc (formerly Bartel Associates, LLC) for Actuarial Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 090741-1 increasing contract amount by \$370,000 with Foster and Foster Consulting Actuaries Inc (formerly Bartel Associates, LLC) for Actuarial Consulting Services, for a revised total contract amount not to exceed \$750,000 through December 31, 2025.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 71,098–N.S.
- 2. Resolution of Intention - Expansion of the Elmwood BID for Calendar Year 2025**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution declaring the City Council's intention to levy an assessment in the Elmwood Business Improvement District (“BID” or “District”) for 2025 and directing the City Clerk to schedule a public hearing for January 16, 2024 regarding an expanded district boundary and assessment rates for 2025.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 71,099–N.S.

## Consent Calendar

### 3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 14, 2023**

**From: City Manager**

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

**Financial Implications:** Various Funds - \$2,453,813

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

**Action:** Approved recommendation.

### 4. **Dorothy Day House Contract Amendment No. 31900284 to fund an Inclement Weather Shelter Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900284 with Dorothy Day House (DDH) to add up to \$290,000 to operate the 2023-2024 inclement weather shelter for a total contract amount not to exceed \$6,549,173.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 71,100–N.S.

### 5. **Contract: Mercury Associates, Inc. for Fleet Replacement/Maintenance Study and Consulting Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Mercury Associates, Inc. to complete a fleet assessment, right sizing study, and fleet consulting services for a total amount not to exceed \$125,000 for the contract period of December 1, 2023 through December 30, 2026.

**Financial Implications:** See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 71,101–N.S.

### 6. **Purchase Order: Western Truck Parts and Equipment for One Roll Off Truck**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorize the City Manager to execute a purchase order for one (1) Roll Off Truck with Western Truck Parts and Equipment in an amount not to exceed \$335,000.

**Financial Implications:** See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 71,102–N.S.

## Consent Calendar

7. **Purchase Order Amendment: Diesel Direct West, Inc. for Fuel for City Vehicles and Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the multi-year purchase order with Diesel Direct West, Inc. for the purchase of fuel for City vehicles and emergency equipment (including generators,) increasing the combined amount by \$400,000 for a total not-to-exceed amount of \$11,894,000, through February 28, 2024.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,103–N.S.

## Council Consent Items

8. **Budget Referral: Berkeley Junior Jackets Facilities Expenses**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Refer to the Annual Appropriations Ordinance #2 process \$7,000 to provide Young Lives Matter Foundation, Inc. the necessary funds for the Berkeley Junior Jackets youth sports program’s operating expenses associated with the use of Berkeley Unified School District facilities.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
9. **Memorandum of Understanding for East Bay Hills Regional Wildfire Prevention and Coordination**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt a resolution authorizing the City of Berkeley to enter into a Memorandum of Understanding (MOU) with other jurisdictions in Alameda and Contra Costa Counties to form a Wildfire Prevention Coordinating Group (WPCG) to improve regionwide collaboration to reduce wildfire risk.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 71,104–N.S.

The Mayor requested that the members of the public in attendance adhere to the City Council Rules of Procedure regarding decorum and cease their disruption of the meeting by shouting and yelling.

Recess 9:08 a.m. – 9:13 a.m.

## Action Calendar – Public Hearings

### 10. **Renewal of the Elmwood Avenue BID for Calendar Year 2024** *(Continued from November 14, 2023)*

**From: City Manager**

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

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Arreguin/Hahn) to close the public hearing.

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

**Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 71,105–N.S.

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

### 11. **Renewal of the Solano Avenue BID for Calendar Year 2024** *(Continued from November 14, 2023)*

**From: City Manager**

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

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Arreguin/Hahn) to close the public hearing.

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

**Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 71,106–N.S.

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

The Mayor issued a warning to the members of the public in attendance that they were disrupting the meeting and making the orderly conduct of business unfeasible by shouting, chanting, and yelling. The disruption continued. The Council continued the meeting without members of the public present, allowing for members of the media to observe, as provided for in Government Code Section 54957.9 (Brown Act).

## Action Calendar – Public Hearings

**12. Amendments to the Berkeley Election Reform Act to ensure consistency within the Act for cost of living adjustments and committee reporting requirement thresholds** *(Continued from November 14, 2023)*

**From: Fair Campaign Practices Commission**

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

**Financial Implications:** See report

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

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

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

**Action:** M/S/C (Arreguin/Taplin) to adopt first reading of Ordinance No. 7,889–N.S. Second reading scheduled for December 12, 2023.

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

**13. Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update** *(Continued from November 14, 2023) (Item contains supplemental material)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt a first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update

2. Adopt a Resolution:

a. Adopting an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR); and

b. Approving and adopting General Plan map and text amendments to re-designate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.

3. Refer to the City Manager to analyze prevailing wage requirements, as recommended in Planning Commission’s letter dated September 15, 2023; and refer a budget allocation of \$50,000 for this project to the FY2025 budget process.

**Financial Implications:** See report

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



## Action Calendar – Public Hearings

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials from Councilmember Hahn for Item 13.

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

**Public Testimony:** The Mayor opened the public hearing. 18 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

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

**Action:** M/S/Failed (Hahn/Harrison) to: 1) adopt the staff recommendation with the prevailing wage provisions from Councilmember Robinson’s motion, but only applicable to the Southside; 2) refer the light and ventilation requirements only for the Southside to the Planning Commission and staff with a requested return date of February 2024; 3) refer the frontage strips in certain Southside zones to the Planning Commission and staff with a requested return date of February 2024; 4) remove pet washing stations from the paragraph regarding shared residential amenities; 5) include the effective date of March 1, 2024 or the prevailing wage effective date; and 6) include paragraph 4 from the revised motion from Councilmember Robinson (except for 4.b.).

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

**Action:** To include the severed portion of the main motion (paragraph 3 related to prevailing wage) in the main motion.

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

**Action:** To include the severed portion of the main motion (paragraph 4.b. related to affordable housing requirements) in the main motion.

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

**Action:** M/S/Carried (Robinson/Humbert) to:

1. Adopt a first reading of Ordinance No. 7,890–N.S. as modified at the meeting (including removing pet washing stations from the paragraph regarding shared residential amenities) to amend Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update. The effective date shall be March 1, 2024 or the effective date of a prevailing wage policy adopted pursuant to this council action, whichever comes first. Second reading scheduled for December 12, 2023.

## Action Calendar – Public Hearings

2. Adopt Resolution No. 71,107–N.S.:
  - a. Adopting an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR); and
  - b. Approving and adopting General Plan map and text amendments to redesignate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.
3. Include prevailing wage requirements in Southside as an amendment to the BMC as described in Attachment 2 alongside adoption of the Southside zoning amendments. Staff should consider if a new first reading is required to effectuate these changes. Staff should revise the language as appropriate to conform to the municipal code and should revise the language to ensure that “registered apprenticeship” programs are recognized, not exclusively those associated with the Building & Construction Trades Council.
4. Refer to the City Manager to analyze and present recommendations and policy alternatives relating to prevailing wage requirements citywide in the City of Berkeley; and refer a budget allocation of \$50,000 for this project to the FY2024 AAO#1 budget process. Staff should seek to conduct this study alongside currently ongoing housing feasibility analysis to the extent possible, insofar as it does not significantly delay other upcoming zoning reforms. Staff should illustrate any tradeoffs associated with such a policy, propose appropriate thresholds for implementation, and indicate if accompanying actions are necessary to offset impacts in the interest of project feasibility. Staff should study and consider both requirements and incentives, with consideration of the following policy goals:
  - a. A development project citywide above a certain number of units or a certain cumulative floor area should be subject to prevailing wage requirements.
  - b. Any project, citywide, that meets SB 35 streamlining criteria and local affordable housing regulations and objective design standards for projects including 10% of low-income housing on-site and including prevailing wages, should be eligible for ministerial approval per the city’s SB 35 streamlining process, before those provisions are imposed by the state (expected in 2027)
5. Refer to the City Manager to develop for consideration requirements for new residential construction that all bedrooms contain windows, and consider window requirements for all habitable space, as defined in the zoning code. Staff should engage the Planning Commission in developing recommendations, and should evaluate the impact new requirements would place on the feasibility of new housing projects and flexibility for project floor plans.

## Action Calendar – Public Hearings

6. Green & Open Spaces in New Construction Referral: Refer to the City Manager to incorporate incentives and/or requirements for widened sidewalks, activated pedestrian spaces, and green roofs as part of new construction citywide. Staff should consider applying the pedestrian-space priority for open space developed for the Southside Plan Area to other areas or to all commercial zones, and should consider other strategies to incentivize sidewalk widening. Staff should emphasize opportunities to activate frontage strips, rather than requiring setbacks.

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

## Information Reports

14. **Measure O Bond Impacts on Affordable Housing Development in Berkeley**  
**From: City Manager**  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Received and filed.
15. **LPO NOD: 60 Panoramic Way, #LMIN2023-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
16. **LPO NOD: 803 Delaware Street, LMSAP2023-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
17. **LPO NOD: 1960 San Antonio Avenue/645 Arlington Avenue, #LMSAP2022-0005**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
18. **Planning Commission Fiscal Year 2023-24 Work Plan**  
**From: Planning Commission**  
Contact: Alisa Shen, Commission Secretary, (510) 981-7400  
**Action:** Received and filed.

## Adjournment

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

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

Adjourned at 12:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting

held on November 21, 2023.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

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

1. Supplemental material, submitted by Councilmember Robinson
2. Gary Miguel
3. Veronica Tamsitt
4. Nico Calavita
5. Andrea Horbinski

## **Supplemental Communications and Reports 3**

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

6. Supplemental material, submitted by Councilmember Hahn
7. Presentation, submitted by Planning and Development
8. Theo Posselt
9. Valerie Knepper
10. Naor Deleanu
11. Brandon Yung
12. Naomi Janowitz
13. Carrie Evans
14. Jaxxen Tunney
15. Barbara Gilbert

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 28, 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](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/1619253897>. 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: **161 925 3897**. 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](mailto: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:** 6:11 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:39 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 Chochenyo (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:** None

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 22 speakers.

## Consent Calendar

Recess 6:45 p.m. – 6:50 p.m.

The Mayor requested that the members of the public in attendance adhere to the City Council Rules of Procedure regarding decorum and cease their disruption of the meeting by shouting and yelling.

Recess 6:56 p.m. – 7:00 p.m.

The Mayor issued a warning to the members of the public in attendance that they were disrupting the meeting and making the orderly conduct of business unfeasible by shouting, chanting, and yelling. The disruption continued. The level of disruption and the large number of people participating in the disruption rendered the Council unable to restore order by the removal of disruptive individuals.

The Council continued the meeting without members of the public present, allowing for members of the media to observe, as provided for in Government Code Section 54957.9 (Brown Act). The meeting continued on the videoconference platform and members of the public were able to provide public comments remotely.

## Consent Calendar

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and reduce the speaker time to thirty seconds per speaker.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 112 speakers.

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

**Vote:** All Ayes.

- 1. 2023 Conflict of Interest Code Update Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 70,074–N.S.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,108–N.S.
- 2. 2023 Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule, accepting the 2023 annual commission attendance and meeting frequency report, and rescinding Resolution No. 69,331-N.S.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,109–N.S.
- 3. Environment and Climate Commission – Appointment of New Youth Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing two youth members to the Environment and Climate Commission recommended by the Berkeley Unified School District Board of Directors.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,110–N.S.
- 4. Contract No. R9704 Amendment: City of Albany for Animal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend an existing contract number R9704 and any amendments with the City of Albany to provide certain animal care services for which the City of Albany will pay the City of Berkeley \$291,019 for services performed from FY2024 through FY2026, for a new not to exceed amount of \$945,512.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 71,111–N.S.

## Consent Calendar

- 5. Contract: Echo Cartagena, DVM to Provide On-site Relief Veterinary Coverage for Berkeley Animal Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Echo Cartagena, DVM, for temporary, on-site veterinary services for Berkeley Animal Care Services (BACS) for January 2024 to June 2024, which establishes a contract in an amount not to exceed \$60,750.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 71,112–N.S.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 28, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$6,880,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 7. Revenue Grant Agreement: Funding Support from Alameda County to Provide Public Health Nursing Services for Foster Care Children/Youth**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to provide public health nursing services for the Alameda County Foster Care Program, Services to Enhance Early Development (SEED) in the projected total amount of \$673,179 for July 1, 2023 to June 30, 2026.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,113–N.S.
- 8. Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to enter into a lease for 830 University with Berkeley Free Clinic.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopt first reading of Ordinance No. 7,891–N.S. Second reading scheduled for December 12, 2023.



## Consent Calendar

**9. Contract No. 32300062 Amendment: Moreland Investigations for Applicant Background Investigations**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300062 with Moreland Investigations, to extend the existing capacity to perform background investigation services and amend the current contract from \$50,000 to \$200,000 from November 3, 2022, through November 2, 2027.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** Adopted Resolution No. 71,114–N.S.

**10. Contract No. 32200152 Amendment: Cindy K. Hull & Associates Forensic Consulting Services, LLC**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200152 and any necessary future amendments with Cindy K. Hull & Associates Forensic Consulting Services, LLC for the Police Department, increasing the contract amount by \$150,000 for a total not to exceed the amount of \$200,000 with the contract end date of October 1, 2026.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** Adopted Resolution No. 71,115–N.S.

## Council Consent Items

**11. Appoint Tracy Matthews to the Berkeley Housing Authority Board**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution appointing Tracy Matthews to serve as a Tenant Commissioner on the Berkeley Housing Authority Board of Commissioners for a two-year term.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 71,116–N.S.

## Council Consent Items

- 12. Civic Arts Referral for Memorial Wall to Councilmember Dona Spring and Budget Referral for Civic Arts Staffing**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2024/2025 Budget Process \$162,000 from the General Fund and allocate one additional FTE for staffing for Civics Arts and refer to the Civic Arts Commission to commission a Memorial Wall to Dona Spring at the Animal Shelter.  
**Financial Implications:** General Fund - \$162,000  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation as submitted in Supplemental Communications Packet #2 by Mayor Arreguin.
- 13. Accept grant funding of \$75,000 from San Francisco Foundation and amend Contract No. 32200161 with Creative Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive \$75,000 of grant funds from the San Francisco Foundation (SFF) (see Attachment #2) for project support for the Equitable Black Berkeley (EBB) initiative and execute an amendment to Contract No. 32200161 with Creative Development Partners (CDP) to add \$75,000 to the existing ideation facilitator contract supporting the EBB for a total contact amount not to exceed \$200,000 and extending the contract term to September 30, 2024.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 71,117–N.S.
- 14. Designating Open Space Adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border as a Linear City Park Pursuant to BMC 6.42**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a resolution designating open space adjacent to the Ninth St Greenway between Heinz Ave and the Berkeley-Emeryville border (Folger Ave) as linear City park space and formally dedicate this site for permanent recreational use pursuant to Berkeley Municipal Code 6.42.  
**Financial Implications:** See report  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 71,118–N.S.

## Council Consent Items

- 15. Healthy Black Families 10th Anniversary Celebration**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$500 from Vice Mayor Ben Bartlett to the Healthy Black Families 10th Anniversary Celebration event. The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Vice Mayor Ben Bartlett and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$500  
 Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 71,119–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Harrison - \$250; Councilmember Robinson - \$250; Councilmember Hahn - \$300; Councilmember Taplin - \$250; Councilmember Kesarwani - \$100; Councilmember Humbert - \$300; Councilmember Wengraf - \$250.
- 16. 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)*  
**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

## Council Consent Items

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".*

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:** Moved to Action Calendar. M/S/C (Arreguin/Humbert) to continue Item 16 to the December 5, 2023 meeting as the first item on the Action Calendar.

**Vote:** All Ayes.

## Action Calendar – New Business

### 17. Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028

**From: City Manager**

**Recommendation:** Adopt a Resolution adopting the Five Year Street Rehabilitation Plan for Fiscal Years 2024-2028.

**Financial Implications:** See report

Contact: LaTanya Bellow, Public Works, (510) 981-6300

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 11:45 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:55 p.m.

**Vote:** All Ayes.

**Action:** M/S/Failed (Hahn/Wengraf) to 1) adopt the Five Year Street Rehabilitation Plan for Fiscal Years 2024-2028 as submitted by staff with amendments to include Milvia Street from Hearst Avenue to Rose Street; and also add Hopkins Street from The Alameda to Gilman Street on the FY 2025 list; 2) Refer the green infrastructure needs and the issues and criteria for the segments on the Holdover List to the Facilities Infrastructure Transportation Environment and Sustainability Committee for review and discussion; and 3) Direct staff to perform a parking management analysis for the area surrounding the Hopkins Corridor.

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

**Action:** 23 speakers. M/S/Carried (Humbert/Robinson) to 1) adopt Resolution No. 71,120–N.S. adopting the Five Year Street Rehabilitation Plan for Fiscal Years 2024-2028 as submitted by staff with amendments to include Milvia Street from Hearst Avenue to Rose Street; and also complete the Hopkins Street segments with Measure T1 funds by the end of FY 2027; and 2) Refer the green infrastructure needs and the issues and criteria for the segments on the Holdover List to the Facilities Infrastructure Transportation Environment and Sustainability Committee for review and discussion.

**Vote:** All Ayes.

## Information Reports

### 18. **Healthy Checkout Ordinance Update**

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 4 speakers.**

## Adjournment

Adjourned at 11:55 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on November 28, 2023.

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Mark Numainville, City Clerk

## Communications

### **Item #17: Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028**

1. Janice Murota
2. Bob Fabry
3. Bryce Nesbitt
4. Kenny Yip
5. Renate Crocker
6. Michelle Maguire
7. Laura Fujiii
8. Chris Baskett
9. Anne Boersman
10. Kay Englund
11. Susan Taylor
12. Cherie Hearne
13. Dorothea Dorenz
14. Jeanne Allan
15. Ross Bernet
16. Gail Todd
17. Helen Toy
18. Joel and Josie Gerst
19. Marc Jacobs
20. Peter Todd
21. Lisa Friedlander

**Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act**

- 22. Christ Schildt
- 23. Friends of Adeline
- 24. Andrea Mullarkey
- 25. Charlene Woodcock
- 26. Tram Hoang

**Ashby BART Housing**

- 27. John Holme
- 28. Nat Kane
- 29. Teresa Clarke
- 30. Laura Stevens
- 31. Abbie Turiansky
- 32. Vincent Casalaina
- 33. Charles Siegel, on behalf of Walk Bike Berkeley
- 34. Theo Posselt
- 35. Mikayla Weissman
- 36. Sam Wong
- 37. Susanna Tse
- 38. Kelly Hammargren (2)
- 39. Meredith Sadin
- 40. John Givens
- 41. Peace Esonwune
- 42. Lea Murray

**Recycling Tennis Balls**

- 43. Adrian McGilly (2)
- 44. Councilmember Harrison

**Peralta Avenue Changes**

- 45. Jeanne Friedman

**Berkeley High School Safety Invitation**

- 46. Dan Smuts

**Golden Gate Horse Deaths**

- 47. Tweed Conrad
- 48. Martha
- 49. Diane Mintz
- 50. Helen Cameron
- 51. Cassie King
- 52. Holly Scheider
- 53. Summer Brenner
- 54. Elizabeth Baker
- 55. Christopher Evans
- 56. Waltraud Buckland

57. 13 similarly-worded form letters (Deaths)

58. 28 similarly-worded form letters (Protect)

### **Chess Club**

59. Jesse Sheehan, Chess Club Chairman (2)

60. Gerard Markham

### **Mari Mendonca Recommendation**

61. Paul Lee

62. Berkeley Tenants Union

63. Catherine Huchting

### **Bike Lanes**

64. AJ Romano

### **Safer Streets**

65. Julia Moss

### **Hit & Run of Child**

66. Shannon Mitchell

### **Cannabis Survey**

67. Ryan Whitcare

### **Landlord Issues**

68. Jesse Schwartz

### **Substance Abuse Issue**

69. Eddie Bui

### **Crime**

70. Elise Gipe (2)

### **Construction Tour**

71. Michelle Williams, on behalf of Satellite Affordable Housing Associates

### **Sidewalk Safety**

72. Sean McMahon

### **Budget Referral**

73. Ariana Casanova

### **Rodent Issues at Encampments**

74. Marianne Riddle

75. Julie Johnston



**Firearms in Parked Vehicles**

76. Owen Tran (2)

**Climate Emergency**

77. Karis Polfer

**Healthcare Walkout/Gaza**

78. Elizabeth Milos

79. Lanet Lynette

80. Sandra Morey

**Holiday Gift Fair**

81. Beth Roessner, on behalf of the Berkeley Chamber

**Public Works Departure**

82. Barbara Gilbert

**Complaining Neighbors**

83. Harrod Blank

**APEC**

84. Peter DuMont

**Support Israel**

85. Dorothea Dorenz (2)

**Support Palestine**

86. Angelica Laurel

87. 7 similarly-worded form letters

**Ceasefire Now**

88. 121 similarly-worded form letters

**URL's Only**

89. Paul Lee

90. Vivian Warkentin (3)

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Item #12: Civic Arts Referral for Memorial Wall to Councilmember Dona Spring and Budget Referral for Civic Arts Staffing**

91. Supplemental material, submitted by the Mayor Arreguin

92. Ken Worthy

**Item #16: 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**

93. Berkeley Neighbors for Housing and Climate Action Steering Committee

94. Kevin Burke

95. Barbara Gilbert

**Item #17: Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028**

96. Supplemental material, submitted by Councilmember Hahn

97. Revised material, submitted by Public Works

98. Isabelle Gaston

99. S. Entsistle

100. Susan Taylor

101. Savehopkins.org

102. Cindi Goldberg

103. Howard Goldberg

104. David Coolidge

105. Contee Seely

106. Rachel Hope Crossman

107. Rachel Bradley

108. Kristine Fowler and Davis Krauter

109. Chris Baskett

110. Bob Fabry

111. Leonard Gabriele

112. Walk Bike Berkeley

113. Meryl Siegal

114. John McArthur

115. Carol Hirth

116. Richard Tamm

117. Evan Meyer

**Supplemental Communications and Reports 3**

**Item #8: Authorizing a Lease of 830 University Avenue to Berkeley Free Clinic**

118. Scott Carroll, on behalf of The Berkeley Free Clinic

**Item #12: Civic Arts Referral for Memorial Wall to Councilmember Dona Spring and Budget Referral for Civic Arts Staffing**

119. Monali Varaiya

**Item #16: 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**

120. David Mendelsohn

121. Bryce Nesbitt

122. Todd Andrews

123. Fran Haselsteiner

124. Oskar

**Item #17: Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028**

125. Presentation, submitted by Public Works
126. Nancy Rader
127. Barbara Gilbert
128. Gail Silvan
129. Candace Hyde-Wang
130. Ned Himmel
131. Gar Smith
132. Susan Powning
133. Roberta Brooks
134. Stephen Morris
135. Ethan Karp and Sue Lynn Thomas
136. F. Nourzad
137. Sowmya Swaminathan
138. Christopher Kutz
139. Jim Reynolds
140. Margaret and John Wotkyns
141. Janet Stromberg
142. Karen Cilman
143. Jean Weininger
144. Jake Matchett
145. Maria Riddle
146. Margaretta Lovell
147. Joan Blades
148. Stephani Lesh
149. Betty Merritt
150. Heidi and Tim Sanders
151. Laura Atkins
152. Perry
153. Kori Kody
154. Ivan Diamond
155. Tom Edwards
156. Lawrence Brookes
157. Carol Hirth
158. Dana Dubinsky
159. Margery Lackman
160. Eric Friedman
161. Noah Budnick, on behalf of Public Works Transportation (2)
162. Tom Lawrence
163. Bob Muzzy
164. Joshua Goldstein
165. Jan Taradash
166. John Blaustein and Terry Pink Alexander
167. Rich Price
168. Jim Offel

169. Marni Welch
170. Dale Friedman
171. Carol Leonard
172. Karen Weil
173. Jonathan Cohen
174. Billy McDonald
175. Christopher Hamilton
176. Nancy Van House
177. Grace Wood
178. Simone Hoelck
179. Tracey Goldberg
180. Delia Taylor
181. Margo Webster
182. David Buxbaum
183. Brit Harvey
184. Susan Powning
185. Maryann Wolfe
186. Nancy Rader
187. Barbara
188. Joel Myerson
189. Verna Winters
190. Barbara Fisher
191. Evy Kavalier
192. Richard Fish
193. Corey Busay
194. Leah and John Rosenthal
195. Terry Mandel
196. Eric
197. Mati Teiblum
198. Mary Lou Allen
199. Linda Wood and Bill Rivers
200. Jack Litewka
201. Sue Jones
202. Allen and Hannah King
203. Thomas Leonard
204. Peter Metcalf
205. Melanie Lawrence and John Smail
206. Meg Holm
207. Martina Reaves
208. Kathleen Haberer
209. Barbara Wenger
210. Stephanie Lovell
211. Laura Ide
212. Meri Issel
213. Ross Bernet
214. David Brandon

215. Ellen Hahn
216. Walk Bike Berkeley
217. Bob Flasher
218. Theo Posselt
219. Alan Wood
220. Leni Siegel
221. Fred Bamber
222. Barclay and Linda Ogden
223. David Mendelsohn
224. Marge Berger
225. John Hitchen
226. Janet Stromberg
227. Margret Levehthal (2)
228. Kevin Jones
229. Harold Leventhal
230. Helen Toy
231. Laurie Miller
232. Jeffrey Kaplan
233. Carlota Babilon
234. Jenn Rader
235. Chris Baskett
236. Carol Hirth
237. Bill Springer
238. Carol Henning
239. Michael Birnbach
240. Lucy Puls
241. Georgia Maslowski
242. Marilyn Simons
243. Mary Kay Duggan
244. Frances Donovan
245. Bill Sherer
246. Paul Couenhoven
247. Dorothea Dorenz

**Non-Agenda Matters**

248. Janice Schroeder

**Miscellaneous Communications - Ceasefire**

249. Mr. Eid





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

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 December 12, 2023

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 **\$150,000**

| <u>PROJECT</u>                          | <u>Fund</u> | <u>Source</u> | <u>Amount</u>    |
|-----------------------------------------|-------------|---------------|------------------|
| Willard Park<br>Clubhouse<br>Public Art | 150         | Public Art    | \$150,000        |
| <b>Total:</b>                           |             |               | <b>\$150,000</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 December 12, 2023

December 12, 2023

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 December 12, 2023
  - a. Willard Park Clubhouse Public Art

Note: Original of this attachment with approval 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                                            |
|--------------------|-------------------------------------------------|----------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------|--------------------|-----------------------------------------------------------------|
| 24-11646-C         | Willard Park Clubhouse Public Art               | Mar-24               | May-24                   | <p>This opportunity is for an artist to translate two-dimensional imagery to tile or mosaic.</p> <p>The artwork will be located at a prominent wall in the Clubhouse lobby measuring 18' 5" wide by 10' high.</p> <p>While the main viewing experience will be in the Clubhouse interior, the artwork will also be visible to the outside through the glass entry walls.</p> | \$150,000            | 150-21-208-252-0000-000-446-612990 | CMO/OED/Civic Arts | Mark Salinas, Public Art Program Lead, msalinas@berkeley.ca.gov |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                              | <b>\$ 150,000.00</b> |                                    |                    |                                                                 |
|                    |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                              |                      |                                    |                    |                                                                 |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                              |                      |                                    |                    |                                                                 |
| <b>TOTAL</b>       |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                              | <b>\$ 150,000.00</b> |                                    |                    |                                                                 |





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

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: Extending the Duration of Funding Reservations for Housing Trust Fund Projects

RECOMMENDATION

Extend the duration of the previously approved funding reservations for Housing Trust Fund (HTF) projects by adopting a resolution to:

1. Reserve Housing Trust Funds and other currently available affordable housing funds, including Measure O Bond and Permanent Local Housing Allocation funds, for the following projects:
  - Ashby Lofts (2909-2919 Ninth / Satellite Affordable Housing Associates) at \$850,000
  - Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / Satellite Affordable Housing Associates / Abode Communities) at \$24,500,000
  - Supportive Housing in People's Park (2556 Haste) at \$14,359,593
2. Authorize the City Manager to refinance the existing Housing Trust Fund development loan for Ashby Lofts and into a new loan with terms consistent with the Housing Trust Fund Guidelines.
3. Waive Section III.A.1 of the Housing Trust Fund Guidelines for the BUSD Workforce Housing project to allow affordability levels of up to 120% of area median income in order to reflect the income and needs of BUSD educators.
4. Condition disbursement of funding for the BUSD Workforce Housing and Supportive Housing in People's Park projects on site control.
5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

**FISCAL IMPACTS OF RECOMMENDATION**

The attached resolution would extend the duration of existing funding reservations, which established a 24- month deadline. Therefore, the recommendations in this report have no new or additional fiscal impacts.

Staff will determine the exact mix of funds from the HTF program for each loan closer to the loan closing, based on the balance of funds at that time and the project details. Loans could include Affordable Housing Mitigation Fee (Fund# 120), Measure O (Fund# 512), and/or Permanent Local Housing Allocation (Fund# 302). Funding is subject to appropriation through the second amendment to the FY 2024 appropriations ordinance in the HTF.

**CURRENT SITUATION AND ITS EFFECTS**

The Council previously approved HTF funding for the three developments described in this report. On December 14, 2021, City Council adopted Resolution No. 70,135-N.S., which reserved funding for the Ashby Lofts and Supportive Housing in People's Park project, and Resolution No. 69,803-N.S., which reserved funding for the BUSD Workforce Housing project. Those resolutions reserved funds for a period of no more than 24 months from the resolution date, which is a standard HTF program practice to ensure that City funds are not indefinitely committed to projects that are not moving forward.

Since that time, all three projects have made progress on development milestones. Due to delays in the project schedules that are not unusual in affordable housing development, staff recommend extending the duration of the HTF funding reservations.

**BACKGROUND****Ashby Lofts**

City Council awarded Satellite Affordable Housing (SAHA) \$850,000 for the renovation of Ashby Lofts, a 54-unit, occupied affordable housing property located at 2909-2919 Ninth Street. SAHA needs additional time to pursue a tax credit resyndication in order to generate revenue to address capital needs at the property, and hopes to start renovations in 2024.

**Supportive Housing in Peoples Park**

City Council also awarded \$10,909,593 in development funds and \$3,450,000 in operating subsidies (\$14,359,593 total) for Supportive Housing in People's Park (SHiPP), a new construction project of 119 affordable apartments serving previously unhoused individuals earning between 10% and 50% AMI. The University of California, Berkeley selected the original project developer, Resources for Community Development (RCD) to develop permanent supportive housing at People's Park, in conjunction with the University's redevelopment of the park and construction of new student housing.

While the project was entitled by the University in September 2021, it encountered legal challenges related to the project's Environmental Impact Report that disrupted the project schedule. As a result of the increased risks and uncertainties associated with the delays, RCD decided to reallocate their limited nonprofit resources to other developments and to exit the project. RCD has begun transferring stewardship of the project to the City of Berkeley, and an extension of the funding reservation will allow more time for the University to select a new developer for SHiPP once the litigation is addressed.

### **Berkeley Unified School District**

SAHA and Abode, the development team selected by BUSD, were awarded \$24.5M to develop a 110-unit educator housing project on the Berkeley Adult School property at 1701 San Pablo Avenue. The project received its entitlements in March 2023. Due to the competitive nature of the limited funding sources available for workforce housing, the development team needs more time to continue applying for additional funding.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The housing developments will address environmental sustainability in their project design and scope. The BUSD and SHiPP projects will be built to third-party green building standards (either LEED Gold or GreenPoint Gold). The Ashby Lofts renovation project will incorporate energy efficiency and sustainability measures into the scope as feasible.

### RATIONALE FOR RECOMMENDATION

Extending these funding reservations will allow the projects to continue their progress and pursue new sources that will leverage City funds. All three projects meet local needs and priorities by adding new affordable housing units to the City's inventory and improving the City's existing affordable housing stock.

### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify another approach that is consistent with the City's Strategic Plan priority to support the development of affordable housing.

### CONTACT PERSON

Grace Streltzov, Community Development Project Coordinator, HHCS, 510-981-5430

Attachments:

1: Resolution

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

EXTENSION OF FUNDING RESERVATIONS FOR HOUSING TRUST FUND  
PROJECTS

WHEREAS, the 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, there is a great need for affordable and special needs housing in the City of Berkeley as stated in the General Plan Housing Element and the City of Berkeley's Consolidated Plan; and

WHEREAS, City Council adopted HTF Guidelines (the "Guidelines") as revised on January 19, 2021, and authorized the City Manager to implement the HTF Program in accordance with the Guidelines; and

WHEREAS, on November 6, 2018, Berkeley voters passed Measure O, a \$135 million bond measure to support the development and preservation of affordable housing; and

WHEREAS, on December 14, 2021 the City Council adopted Resolution No. 70,135-N.S. which reserved \$850,000 for Satellite Affordable Housing Associates' Ashby Lofts project (2909-2919 Ninth Street) and \$14,359,593 for the Supportive Housing in People's Park project for a period of no more than 24 months from the resolution date; and

WHEREAS, on December 14, 2021 the City Council adopted Resolution No. 69,803-N.S., which reserved \$24.5 million for Satellite Affordable Housing Associates' and Abode Communities' Berkeley Unified School District's (BUSD) Workforce Housing project (1701 San Pablo Avenue) for a period of no more than 24 months from the resolution date.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves extending the following funding reservations from currently available affordable housing funds such as Measure O Bond and Permanent Local Housing allocation funds:

- Satellite Affordable Housing Associates' Ashby Lofts (2909-2919 Ninth Street) for \$850,000;
- Satellite Affordable Housing Associates' and Abode Communities' BUSD Workforce Housing project (1701 San Pablo) for \$24.5 million.
- Supportive Housing in People's Park (2556 Haste) for \$14,359,593.

BE IT FURTHER RESOLVED that the City Manager may incorporate the existing development loan for Ashby Lofts into a new permanent loan resulting from this resolution.

BE IT FURTHER RESOLVED that the Council waives the requirements of Section III.A.1 of the Housing Trust Fund Guidelines for the BUSD Workforce Housing project to allow affordability levels of up to 120% of the area median income in order to reflect the incomes and needs of BUSD educators.

BE IT FURTHER RESOLVED, that the Council conditions disbursement of funding for the Supportive Housing in People's Park and BUSD Workforce Housing projects on site control.

BE IT FURTHER RESOLVED that all development and predevelopment loan funds shall be reserved for a period of no more than 24 months from the date of this Resolution, contingent on the developers' obtaining all required land use approvals and securing commitments for full project funding that the City Manager or her designee deems sufficient within the reservation period.

BE IT FURTHER RESOLVED that all funding reservations are 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.

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

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.







City Manager's Office

CONSENT CALENDAR

December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Revise Classifications and Salary Ranges – (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor

RECOMMENDATION

Adopt a Resolution revising the represented job class specifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor to align pay with that of Public Works Supervisor classification in order to promote internal equity.

FISCAL IMPACT

Revising the job class specifications will increase the salary scale of Parking Meter Maintenance and Collection Supervisor (currently \$84,105.42 - \$98,657.98) and that of Traffic Maintenance Supervisor (currently \$92,730.15 - \$98,657.98) in order to align them with that of Public Works Supervisor: \$97,691.19 - \$104,475.30. This will have a fiscal impact of approximately \$5,817.32 at top step (\$10,153.55 including benefits) per position, resulting in an annual impact of approximately \$20,307.10 for two positions.

CURRENT SITUATION AND ITS EFFECTS

A recent desk audit revealed such significant overlap between the Parking Meter Maintenance and Collection Supervisor and Public Works Supervisor as to warrant an equitable alignment in pay. Further study of the Traffic Maintenance Supervisor class revealed similar overlaps. As such, across-the-board alignment in pay of all three classifications is being sought.

The revised job class specifications have undergone the meet and confer process with Service Employees International Union, Local 1021 (Maintenance & Clerical).

BACKGROUND

Although the Public Works Supervisor classification has certain job requirements specific to street work and maintenance, both the Parking Meter Collection and Maintenance Supervisor and Traffic Maintenance Supervisor job classifications share with it a considerable number of duties: planning and supervising crews; training them in work methods; providing technical assistance; reviewing work and evaluating performance; recommending disciplinary action; preparing reports; ordering inventory; ensuring equipment maintenance; conducting safety meetings; and fielding questions from the public.

## Revise Job Class Specifications and Salary Ranges –

- (1) Parking Meter Maintenance and Collection Supervisor and
- (2) Traffic Maintenance Supervisor

CONSENT CALENDAR

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| <b>Public Works Supervisor</b>                                                                                                                                           | <b>Parking Meter Maintenance and Collection Supervisor</b>                                                                                                                                | <b>Traffic Maintenance Supervisor</b>                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Plans, organizes, schedules, supervises, assigns and evaluates the work of several crews engaged in street maintenance, sewer maintenance or street cleaning activities; | Plans, organizes, schedules, supervises, assigns and evaluates work of crews engaged in meter repair, meter coin collection, and maintenance;                                             | Plans, organizes, schedules, supervises, assigns and evaluates the work of crews engaged in traffic control painting and signing;       |
| Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety precautions;                                     | Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety procedures;                                                       | Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety precautions;    |
| Recommends and implements disciplinary action as necessary;                                                                                                              | May recommend disciplinary action;                                                                                                                                                        | Recommends and implements disciplinary action as necessary;                                                                             |
| Estimates personnel, material and equipment requirements for assigned jobs;                                                                                              | Estimates personnel, material and equipment requirements for assigned routes;                                                                                                             | Estimates personnel, material and equipment requirements for assigned jobs and prepares material requisitions;                          |
| Provides technical assistance to crews in resolving difficult problems encountered;                                                                                      | Provides technical assistance to crews in resolving difficult problems encountered;                                                                                                       | Provides technical assistance to crews in resolving difficult problems encountered;                                                     |
| Prepares and maintains a variety of reports and records, including timecards, worksheets, accident reports, maintenance requests, etc.;                                  | Prepares and maintains a variety of computer-generated and manual reports and records, including timecards, worksheets, accident reports, maintenance requests, and productivity reports; | Prepares and maintains a variety of reports and records, including timecards, worksheets, accident reports, maintenance requests, etc.; |
| Orders and maintains an adequate inventory to accomplish assigned jobs.                                                                                                  | Orders and maintains an adequate inventory to accomplish assigned jobs.                                                                                                                   | Orders and maintains an adequate inventory to accomplish assigned jobs.                                                                 |

In this sense, the positions are so substantially similar that Parking Meter Collection and Maintenance Supervisor and Traffic Maintenance Supervisor could be reclassified as Public Works Supervisors, albeit with a different scope of assignment; however, given that the current Public Works Supervisor job specification requires a Class B license, which a Parking Meter Collection and Maintenance Supervisor or a Traffic Maintenance Supervisor would not be expected to possess, the recommended solution for purposes of internal equity is alignment of the salary ranges for all three classifications.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There is no environmental impact.

RATIONALE FOR RECOMMENDATION

Aligning pay scales for Parking Meter Collection and Maintenance Supervisor and for Traffic Maintenance Supervisor with that of Public Works Supervisor is recommended in order to achieve internal equity across those classifications.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

ATTACHMENTS

## 1. Resolution

Exhibit A: Parking Meter Maintenance and Collection Supervisor - Proposed Job Class Specification and Salary Range

Exhibit B: Traffic Maintenance Supervisor – Proposed Job Class Specification and Salary Range

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

RESOLUTION NO. xxxxx - N.S.

REVISING THE CLASSIFICATIONS AND SALARY SCHEDULES OF  
(1) PARKING METER MAINTENANCE AND COLLECTION SUPERVISOR  
AND (2) TRAFFIC MAINTENANCE SUPERVISOR

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

WHEREAS, the Human Resources Department has completed a classification review and recommended the revision of the represented job class specifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor; and

WHEREAS, the represented salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor should be aligned with that of Public Works Supervisor classification in order to promote internal equity; and

WHEREAS, the Personnel Board recommended on November 6, 2023 to revise the represented classifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor, subject to the overtime provisions of the Fair Labor Standards Act (FLSA);

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the classifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor are revised as shown in Exhibits A and B, effective December 12, 2023.

| STEP 1 | STEP 2 | STEP 3  | STEP 4  | STEP 5  |
|--------|--------|---------|---------|---------|
| -----  | -----  | 46.9669 | 48.5342 | 50.2285 |

[Exhibit A: Parking Meter Maintenance and Collection Supervisor, Classification Specification and Salary Schedule]

[Exhibit B: Traffic Maintenance Supervisor, Classification Specification and Salary Schedule]

Revise Job Class Specifications and Salary Ranges –

- (1) Parking Meter Maintenance and Collection Supervisor and
- (2) Traffic Maintenance Supervisor

CONSENT CALENDAR

December 12, 2023



# EXHIBIT A: Parking Meter Maintenance and Collection Supervisor

Class Code:  
6042

Bargaining Unit: Service Employees International  
Union, Local 1021 (Maintenance & Clerical)

CITY OF BERKELEY  
Established Date: Oct 13, 2008  
Revision Date: December 12, 2023

## SALARY RANGE

\$46.97 - \$50.23 Hourly  
\$3,757.35 - \$4,018.28 Biweekly  
\$8,140.93 - \$8,706.28 Monthly  
\$97,691.19 - \$104,475.30 Annually

## DESCRIPTION:

### DEFINITION

Under general supervision, plans, organizes and directs the work of crews performing parking meter maintenance, repair and coin collection; performs complex analyses and project work in support of the Office of Transportation's Preventative Maintenance Master Plan for Parking Meters and Traffic planning; serves as liaison to community groups; investigates and maintains contracts and agreements with vendors; performs varied parking maintenance and administrative functions; performs related duties as required or as may be assigned.

### CLASS CHARACTERISTICS

This is the first-line working supervisory level in parking meter maintenance, mechanical repair and collection work. Incumbents plan, organize, schedule, assign and direct the work of crews and perform the full range of duties of assigned personnel. This class is distinguished from the Senior Public Works (Transportation) Supervisor classification, which is responsible for coordinating both the traffic/transportation maintenance and parking meter installation, maintenance, repair and collection programs.

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

## **EXAMPLE OF DUTIES:**

The following list of duties describes the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list.

1. Investigates the need for, and develops and maintains contracts and agreements with vendors, and monitors agreements for contractual obligations, warranties and follow-ups;
2. Plans, organizes, schedules, supervises, assigns and evaluates work of crews engaged in meter repair, meter coin collection, and maintenance;
3. Monitors contract performance of armored carrier under contract to safeguard coins collected from parking meters;
4. Maintains records of vendor performance regarding quality and delivery of services; conducts reviews of vendor performance and reports to supervisor;
5. Monitors usage of parking maintenance resources and all related costs of the meter repair/maintenance program on a regular basis;
6. Establishes vendor and materials requirements to support the business applications of programs and projects;
7. Conducts on-going research to develop sources and products, and establishes long-term vendor relationships, standards and language for pricing agreements, purchase orders and contracts;
8. Assists with the development of meter collection and maintenance policy and standards; establishes procedures and monitors problem areas for immediate correction;
9. Oversees the weighing and documentation of coin canisters and maintains security of cash until transferred to armored carrier;
10. Repairs, tests, and calibrates, and programs a variety of single and multi-space electronic parking meters;
11. Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety procedures;
12. May recommend disciplinary action;
13. Estimates personnel, material and equipment requirements for assigned routes;
14. Provides technical assistance to crews in resolving difficult problems encountered;

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

15. Prepares and maintains a variety of computer-generated and manual reports and records, including timecards, worksheets, accident reports, maintenance requests, and productivity reports;
16. Prepares monthly and ad hoc computer-generated summary reports for long-term program plans and budgeting actions;
17. Orders and maintains an adequate inventory to accomplish assigned jobs;
18. Provides detailed information to supervisors on patterns of abuse to parking meters;
19. Serves as liaison with internal city committees and various local business associations and responds to questions and complaints from the public;
20. Recommends special work or equipment maintenance and reviews work upon completion to ensure compliance with established standards and regulations;
21. May collect coins from parking meters;
22. Ensures appropriate safety devices and equipment are being utilized, conducts safety meetings and responds to emergency situations; and
23. Performs related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Methods, tools, computer hand-helds, and equipment used in electronic parking meter and equipment installation, maintenance, monitoring and collection;
2. Principles and practices of employee supervision, including selection, training, work evaluation and discipline;
3. Safe work methods and safety practices pertaining to the work;
4. Computer software applications including Microsoft Office, Duncan Meters and Reino Meter applications;
5. Operation and maintenance of a wide variety of equipment and hand and power tools used in the work; and

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

6. Relevant ordinances and Municipal Code sections related to parking regulations.

Skill in and ability to:

1. Establish and maintain effective working relationships with those encountered in the course of work;
2. Communicate successfully to City officials, the community and staff, the policy and operational reasons governing existing operation and changes;
3. Speak and write concisely, develop and teach training programs, gain cooperation and maintain the confidence of staff in the field;
4. Evaluate meter maintenance and collections procedures and techniques and recommend effective alternatives;
5. Plan, estimate, coordinate, schedule and evaluate the work of others;
6. Prepare and maintain a variety of computer-generated reports using a variety of PC software and applications;
7. Prepare and maintain a variety of accurate written records and reports;
8. Read and interpret plans, maps, specifications and manuals;
9. Operate and maintain equipment and tools used in the field;
10. Identify and implement effective courses of action to complete assigned work; and
11. Coordinate crew assignments with other divisions, departments and agencies.

## **MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to completion of high school and two (2) years of experience in parking meter collection and/or meter maintenance and repair. Knowledge of a system utilizing electronic parking meters is highly desirable.

### **OTHER REQUIREMENTS**

1. Must possess and maintain a valid Class "C" California driver's license and have a satisfactory driving record;
2. Must be willing to work out of doors in all weather conditions;

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
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3. Must possess sufficient strength and stamina to lift and carry objects weighing up to 60 pounds; and

4. Must be willing to work with exposure to heavy traffic and to work overtime and off-hour shifts in emergency situations.

## **CLASSIFICATION HISTORY:**

Established: 3/1/04

Rev: December 12, 2023



Revise Job Class Specifications and Salary Ranges –

- (1) Parking Meter Maintenance and Collection Supervisor and
- (2) Traffic Maintenance Supervisor

CONSENT CALENDAR

December 12, 2023



# EXHIBIT B: Traffic Maintenance Supervisor

Class Code:  
5056

Bargaining Unit: Service Employees International  
Union, Local 1021 (Maintenance & Clerical)

CITY OF BERKELEY  
Established Date: Oct 13, 2008  
Revision Date: December 12, 2023

## SALARY RANGE

\$46.97 - \$50.23 Hourly  
\$3,757.35 - \$4,018.28 Biweekly  
\$8,140.93 - \$8,706.28 Monthly  
\$97,691.19 - \$104,475.30 Annually

## DESCRIPTION:

### DEFINITION

Under general supervision, plans, organizes and directs the work of crews performing traffic painting and signing work; performs traffic control painting and signing work. Performs related duties as required or as may be assigned.

### CLASS CHARACTERISTICS

This is the first-line supervisory level in traffic maintenance work. Incumbents plan, organize, schedule, assign and direct the work of crews and perform work as a working supervisor. This class is distinguished from the Senior Public Works Supervisor classification in the Office of Transportation, which is responsible for traffic/transportation maintenance and parking meter installation, maintenance, repair and collection programs.

## EXAMPLE OF DUTIES:

The following list of duties describes the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list.

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
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1. Plans, organizes, schedules, supervises, assigns and evaluates the work of crews engaged in traffic control painting and signing;
2. Personally performs traffic painting and signing work;
3. Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety precautions;
4. Inspects job sites to determine work required and to evaluate performance;
5. Recommends and implements disciplinary action as necessary;
6. Estimates personnel, material and equipment requirements for assigned jobs and prepares material requisitions;
7. Provides technical assistance to crews in resolving difficult problems encountered;
8. Prepares and maintains a variety of reports and records, including timecards, worksheets, accident reports, maintenance requests, etc.;
9. Orders and maintains an adequate inventory to accomplish assigned jobs;
10. Responds to questions and complaints from the public;
11. Recommends special work required or necessary equipment maintenance;
12. Reviews work upon completion to ensure compliance with established standards and regulations;
13. Ensures appropriate safety devices and equipment are being utilized;
14. Conducts safety meetings; coordinates activities with other affected agencies;
15. Drives trucks and performs work as an on-site supervisor;
16. Participates in meetings as required;
17. Responds to emergency situations as necessary; and
18. Performs related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Methods, tools and equipment used in traffic control painting and signing work;
2. Principles and practices of employee supervision, including selection, training, work evaluation and discipline;
3. Safe work methods and safety practices pertaining to the work;
4. Operation and maintenance of a wide variety of equipment and hand and power tools used in the work; and
5. Relevant traffic and vehicle codes and regulations.

Skill in:

1. Traffic control painting and sign fabrication, installation and maintenance;
2. Planning, estimating, coordinating, and scheduling and evaluating the work of others;
3. Preparing and maintaining a variety of accurate written records and reports pertaining to the work;
4. Reading and interpreting plans, maps, and specifications and manuals;
5. Operating and maintaining equipment and tools used in the field;
6. Establishing and maintaining effective working relationships with those encountered in the course of the work;
7. Identifying and implementing effective courses of action to complete assigned work; and
8. Coordinating crew assignments with other divisions, departments and agencies.

## **MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to completion of high school and 4 years of increasingly responsible traffic maintenance experience. Experience in a lead role over other staff is desirable.

OTHER REQUIREMENTS

Revise Job Class Specifications and Salary Ranges –  
(1) Parking Meter Maintenance and Collection Supervisor and  
(2) Traffic Maintenance Supervisor

CONSENT CALENDAR  
December 12, 2023

1. Must possess and maintain a valid Class "C" California driver's license and have a satisfactory driving record;
2. Must be willing to work out of doors in all weather conditions;
3. Must possess sufficient strength and stamina to lift and carry objects weighing up to 60 pounds; and
4. Must be willing to work with exposure to heavy traffic and to work overtime and off-hour shifts in emergency situations.

## **CLASSIFICATION HISTORY:**

Established: 12/1988  
Rev: December 12, 2023



Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kevin Fong, Director, Information Technology  
 Subject: Contract: Superior, LLC for AS400 Software Maintenance and Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a new contract with Superior, LLC for software maintenance and support of the City's FUND\$ system on the AS400 platform for a total \$ \$283,500.00 from July 1, 2023 through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funds for additional software maintenance and support will be available in the Department of Information Technology's Fiscal Year (FY) 2024 IT Cost Allocation fund as itemized below, and is subject to Council approval of the proposed citywide budget and Annual Appropriation Ordinances.

|                                   |                     |
|-----------------------------------|---------------------|
| FY24: Fund 680 IT Cost Allocation | \$135,000.00        |
| FY25: Fund 680 IT Cost Allocation | \$148,500.00        |
| <b>Total FY 2024-2025</b>         | <b>\$283,500.00</b> |

CURRENT SITUATION AND ITS EFFECTS

Currently, the City uses Superior's Public Sector software (FUND\$) for critical remaining modules such as Land Management Property Tax Assessment, and Accounts Receivable General Billing. Additionally, modules in transition and modules not yet fully deprecated remain in the Fund\$ system. Software licensing and maintenance is required for all FUND\$ modules still in use and includes 24x7 support, documentation, and periodic patches to incorporate enhancements and repairs.

As incremental replacement of the FUND\$ system continue with the implementation of Tyler-Munis ERP system (ERMA) and other enterprise applications, the City's maintenance contract with Superior will continue to decrease as support will be required for fewer modules each year until all remaining FUND\$ modules are replaced and retired. However, until all the modules are completely off the FUND\$ system, the City will still rely on Superior support for many of the key modules, reporting and auditing purposes.

### BACKGROUND

FUND\$ has supported City operations in all departments for over two decades. Its initial implementation in 1989 focused on automating core financial functions including the Payroll, General Ledger, Accounts Payable, and Purchasing modules. After the initial implementation, the City implemented extensive customizations of the FUND\$ software to expand its use throughout all departments. On June 1, 2010, Council received a FUND\$ Status Report outlining usability challenges, an incremental replacement plan, and estimated costs and replacement timelines ([https://berkeleyca.gov/sites/default/files/documents/2010-06-01\\_Item\\_54\\_FUND\\_Status\\_Report.pdf](https://berkeleyca.gov/sites/default/files/documents/2010-06-01_Item_54_FUND_Status_Report.pdf)).

On March 25, 2014, Council received an updated FUND\$ Status Report, which discussed FUND\$ replacement successes and challenges, as well as a strategy for expediting replacement

[\(2014 Fund\\$ Status Report\)](#)

On January 26, 2016, Council authorized staff to release a Request for Proposal (RFP) to solicit proposals to replace FUND\$. Through RFP No. 2016-11012-C, Staff identified a qualified company to provide a comprehensive public sector ERP system that met the City's functional scope. On March 28, 2017, Council authorized the City Manager to execute a contract with Tyler Technologies for the purchase of Tyler-Munis' ERP software and implementation services

[\(Tyler Technologies Contract\)](#)

Subsequent to the implementation of the Tyler Technologies solution, modules of FUND\$ have been incrementally deprecated, however, there still remain several modules that are slated for deprecation over the next few years. Until completed, Superior, LLC will be required to continue software maintenance and support of the City's remaining FUND\$ modules.

In September 2018, Superior, LLC merged with TriTech Software, and Zuercher Technologies, and Apteian to form CentralSquare Technologies. As a merged company, CentralSquare Technologies will be able to provide better customer service through a larger support organization.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The incremental replacement of FUND\$ modules with more modern, best-of-breed software includes opportunities for providing online services. For example, it will be possible to apply and pay online for an array of licensing, permitting, and zoning certifications, eliminating the need for the public to visit City offices for routing applications. This helps with the Digital Strategic Plan goals of providing more online services. In addition, this helps reduce vehicle emissions, in keeping with the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

SunGard (aka Superion) retains exclusive rights to provide maintenance for its software; no other vendor provides authorized maintenance. Staff considered terminating this agreement and providing maintenance without vendor assistance, but given the critical operations supported by FUND\$, the risk of limited support would be inappropriate, especially since staff resources are focused on configuring, testing, and implementing FUND\$ module replacements, rather than supporting the aged FUND\$ system.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered terminating this agreement and providing maintenance without vendor assistance, but given the critical operations supported by FUND\$, the associated costs for staffing and training would be more than the maintenance agreement.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6525

Attachments:  
1: Resolution

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

CONTRACT: SUPERION, LLC FOR AS400 SOFTWARE MAINTENANCE AND SUPPORT

WHEREAS, Superior LLC's AS400 software, known to the City as FUND\$, has supported the City of Berkeley's critical business operations in all departments for over two decades, including the Payroll, General Ledger, Accounts Payable, and Purchasing modules; and

WHEREAS, Superior, LLC is the only vendor authorized to provide software licenses and support for the AS400 software; and

WHEREAS, in January 2016, Council authorized staff to release a Request for Proposal (RFP) to solicit proposals to replace FUND\$. Through RFP No. 2016-11012-C, Staff identified a qualified company to provide a comprehensive public sector ERP system that met the City's functional scope; and

WHEREAS, as incremental replacement of the FUND\$ system continue with the implementation of Tyler-Munis ERP system (ERMA) along with other enterprise applications, the City's maintenance contract with Superior will continue to decrease in scope since support will be required for fewer modules each year until all remaining FUND\$ modules are replaced and retired; and

WHEREAS, funding for additional software maintenance and support will be available in the Department of Information Technology 's Fiscal Year (FY) 2023 IT Cost Allocation fund as itemized below, and is subject to Council approval of the proposed city- wide budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a new contract with Superior, LLC for the software maintenance and support of the City's FUND\$ system on the AS400 platform, for a total not-to-exceed amount of \$283,500.00 from July 1, 2023 through June 30, 2025.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application – State Parks Outdoor Equity Grants Program (OEP)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the State Parks and Recreation Outdoor Equity Grants Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

On December 14, 2023, the City will submit a grant application to the State Parks and Recreation Outdoor Equity Grants Program for up to \$700,000 to operate a three-year program that provides camping, fieldtrips, and other outdoor educational experiences for underserved residents in Berkeley. There is no match required. If the grant is awarded in the Spring of 2024, the funds will be appropriated in FY2024.

CURRENT SITUATION AND ITS EFFECTS

In the Fall of 2023, the California Department of Parks and Recreation announced round two of the Outdoor Equity Grants Program (OEP) to improve the health and wellness of Californians through new educational and recreational activities, service learning, career pathways, and leadership opportunities that strengthen a connection to the natural world. OEP's intent is to increase the ability of residents in underserved communities to participate in outdoor experiences within their community, at state parks, and other public lands. The City's Parks, Recreation, and Waterfront Department will submit a grant application for up to \$700,000 to operate a three-year program that provides camping, fieldtrips, and other outdoor educational experiences for underserved residents in Berkeley. This program will help the City to enhance the diversity, equity, and inclusion activities of the City to better meet the needs of Berkeley residents.

BACKGROUND

The City's Parks, Recreation, and Waterfront Department provides programming activities for a wide range of youth, young adults, and families in the areas of academic tutoring, pre-school readiness programs for 0-5 and families, and recreation of all types.

During the summer of 2023, the PRW Department ran a successful program that involved six paid interns from Berkeley High School and their families who were engaged in a wide range of recreational, outdoor education, and job-related activities. The PRW Department seeks to build on the success of the program and expand the program to reach a larger number of youth and their families over a three year period.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed expansion of the City’s outdoor education program will provide larger numbers of underserved residents with outdoor experiences that will enhance their stewardship of the environment. This program will help the City work on two long-term City of Berkeley Strategic Goals: 4. Champion and demonstrate social and racial equity, and 7. Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

This program will help the City to enhance the diversity, equity, and inclusion activities of the City to better meet the needs of Berkeley residents.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703

Alexandra Endress, Waterfront Manager, PRW, 981-6737

Stephanie Chu, Recreation and Youth Services Manager, PRW, 981-6700

Attachments

1: Resolution

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

GRANT APPLICATION TO THE STATE PARKS OUTDOOR EQUITY PROGRAM (OEP)  
FOR UP TO \$700,000 FOR A THREE-YEAR OUTDOOR EDUCATION PROGRAM

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Outdoor Equity Grants Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that hereby: APPROVES THE FILING OF AN APPLICATION FOR THE OUTDOOR EQUITY GRANTS PROGRAM GRANT FUND; and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the program(s) included in this application, the sufficient funds to complete the program(s); and
2. Certifies that if the grant is awarded, the Applicant has or will have sufficient funds to operate the program(s) as described in the Grant Selection Criteria response, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to F. Scott Ferris, Director, Parks Recreation, and Waterfront, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application – California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots Program for new electric boat and charging station

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots (ATDP) Grant Program to procure a new electric boat and charging station; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

On October 26, 2023, the City submitted a grant application to the California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots (ATDP) Grant Program for \$218,451 for a total project of up to \$451,507. A minimum of 50% match is required and will be provided by the City and two partner vendors (Aqua SuperPower and Vita Power) up of to \$233,056 as follows: the City will contribute \$27,554 of in-kind staff time, and \$113,002 of a CARB Clean Off Road Equipment (CORE) Voucher Credit will be contributed toward the purchase of the electric boat. Vita Power will provide a \$10,000 match to fund vessel design and Aqua SuperPower will provide an \$82,500 match to fund the charging station electrical design and installation.

CURRENT SITUATION AND ITS EFFECTS

On July 18, 2023, the CARB CORE Voucher Program was announced with \$185 million available statewide to encourage off-road equipment users in California to purchase zero-emission off-road equipment. The City's harbor patrol boat at the Berkeley Marina is an eligible item for the program. At present, Vita Power is the only provider of commercial harbor craft that is eligible for the CORE Voucher Program. They can provide a Seal 700 electric boat that meets the City's needs for a new harbor patrol boat.

On February 2, 2023, CARB announced a \$225 million ATDP Grant Program to fund demonstrations of zero-emission off road equipment and vessel projects. This program will help California meet its goals to reduce criteria pollutants, greenhouse gas emissions, and petroleum use. The City’s proposal for a new Vita Power Seal 700 boat and Aqua SuperPower Charging Station will demonstrate this type of technology, and will provide an option for numerous electric boats to rapidly charge inside the Berkeley Marina harbor.

The City’s Parks, Recreation, and Waterfront Department submitted a grant application to procure an all-electric boat, a rapid electric marine charging station, and demonstration/outreach programming at the Berkeley Marina with the following goals: (1) to reduce emissions, (2) to transition a gas-powered, City-owned boat to all electric, (3) install a fast marine charger to improve familiarity and acceptance with electric boats (“e-boats”), and (4) incorporate e-boats into diversity, equity, and inclusion (“DEI”) programs in Berkeley boating programs and boating-related job training.

### BACKGROUND

The Berkeley Marina’s primary harbor patrol boat is a 120 hp two stroke (gas/oil) boat. It is used approximately 10 hours per week for regular duty, and logs additional hours when supporting in-water programming such as tours and outreach activities. The Marina does not currently have an electric boat nor an electric charging station for City and general public use.

Over the summer and fall of 2023, the PRW Department ran a series of Marina-focused Diversity, Equity, and Inclusion (DEI) outreach excursions with community leaders and families of lower socioeconomic status, utilizing the gas-powered City boat. Over the past three years, PRW has also offered three boat-driving experiences to entry level city employees and Berkeley youth on our gas-powered harbor patrol boat.

Electric boating is gaining momentum in the Bay Area. San Francisco Bay’s first and only marine electric charging station was installed by Aqua SuperPower in Redwood City on May 9, 2023. Clipper Cove Yacht Harbor in Sausalito will be the next to install a marine electric charging station, and is home to Candela – an electric power-boat dealer and competitor to Vita Power Boats. The Berkeley Marine Center (boatyard) has conducted 55 electric engine conversions to Bay Area boats in the last 11 years, with 20 conversions in the last two years alone.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

An all-electric boat will reduce greenhouse gas emissions by City harbor craft at the Berkeley Marina. An electric charging station will facilitate easy charging for other e-boaters throughout the San Francisco Bay, and make e-boating more viable for Berkeley boaters. This project will help the City work to advance the City’s Strategic Goal 4. Champion and demonstrate social and racial equity and Strategic Goal 7. Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

This program will help the City to reduce emissions from regular harbor patrol duties through a new electric harbor patrol/programming boat, establish the Berkeley Marina as a Bay Area leader in marine electric charging infrastructure, raise awareness of electric boats among our Marina customers, and support City DEI programming and job training efforts.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703  
Alexandra Endress, Waterfront Manager, PRW, 981-6737

Attachments

1: Resolution

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

GRANT APPLICATION TO THE CALIFORNIA AIR RESOURCES BOARD (CARB) ADVANCED TECHNOLOGY DEMONSTRATION AND PILOTS (ATDP) GRANT PROGRAM FOR UP TO \$218,451 FOR A NEW ELECTRIC BOAT AND CHARGING STATION

WHEREAS, the City currently uses a gas-powered boat for daily harbor patrol operations and to support in-water programming including boat rides and boat-driving trainings; and

WHEREAS, momentum is building for electric boating in California, and the Berkeley Marina has the opportunity to install the second marine electric charging station in the San Francisco Bay, and to become the first municipal marina to operate an electric boat; and

WHEREAS, the State of California Air Resources Board (CARB) has been delegated the responsibility by the Legislature of the State of California for the administration of the Advanced Technology Demonstration and Pilots (ATDP) Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the CARB require the Applicant to certify by resolution the approval of the application before the award of any grant by the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope program; and

WHEREAS, the total cost of the Berkeley Marina Electric Demonstration Project is \$451,506, of which the City and its partner vendors, Aqua SuperPower, and Vita Power, will provide a match of 52% of the overall budget, in an amount of \$233,056, and have requested a grant match from CARB in the amount of \$218,451; and

WHEREAS, the City local match contribution is from in-kind staff time and funding from a CORE voucher.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to 1) submit a grant application to the CARB ATDP Grant Program to request \$218,451 in grant funding; 2) accept any grant; 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Contract: Buhler Commercial for Willard Park Clubhouse and Restroom Replacement Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Willard Park Clubhouse and Restroom Replacement Project; and
2. Accepting the bid of the lowest responsive and responsible bidder, Buhler Commercial; 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, with Buhler Commercial, for the Willard Park Clubhouse and Restroom Replacement Project at 2720 Hillegass Avenue, in an amount not to exceed \$6,831,067 which includes a contract amount of \$6,210,061 and a 10% contingency in the amount of \$621,006.

FINANCIAL IMPLICATIONS

Funding in the amount of \$6,831,067 is available in the FY24 Measure T1 Fund (Fund 511) and Capital Improvements Fund (Fund 501).

**Construction**

|                                |             |
|--------------------------------|-------------|
| Buhler Commercial (lowest bid) | \$6,210,061 |
| 10% Contingency                | \$621,006   |
| <hr/>                          |             |
| Total Construction Cost        | \$6,831,067 |

**Funding**

|                            |             |
|----------------------------|-------------|
| Measure T1 Fund (Fund 511) | \$5,331,067 |
| CIP Fund (Fund 501)        | \$1,500,000 |
| <hr/>                      |             |
| Total Funding              | \$6,831,067 |

**CURRENT SITUATION AND ITS EFFECTS**

The existing Willard Clubhouse needs renovation and expansion. Built in 1971, the 565-sf single-story, one-room clubhouse no longer serves the City's needs adequately.

The project includes the demolition of the existing 565-sf single-story clubhouse, trellis, and public restroom and the construction of a new 3,301-sf single-story wood-framed multipurpose community building, a stand-alone public restroom and a trash enclosure. Scope of work includes site work, building core and shell, interior improvements, as well as mechanical, electrical, plumbing, fire protection, and security systems.

Willard Park Clubhouse and Restroom Project is funded primarily by Measure T1, the 2016 voter-approved bond to pay for improvements to City infrastructure and facilities.

**BACKGROUND**

The City has five community centers located at James Kenney Park, Live Oak Park, San Pablo Park, Martin Luther King Jr. Youth Services Center near Grove Park, and Willard Park. With the exception of the Willard Clubhouse, all community centers are at least 10,000 sf in size. The existing 565-sf Willard Clubhouse was originally constructed in 1971 and has limited capacity.

The City of Berkeley offers free and reduced-price programs at all five facilities that serve primarily low-income families and youth who cannot afford other alternatives. All these facilities function as safety nets for residents with low socio-economic status in Berkeley. The expansion to a 3,301-sf facility with 1,614 sf of improved programable space not only allows us to increase the capacity for afterschool and summer programming, but also allows us to offer pre-k programs, add a variety of classes, and hold community meetings at the site. Recreational park and facility space is limited <sup>1</sup> compared to other parts of the City and the state recommended level <sup>2</sup>.

In 2016, Berkeley voters approved Measure T1, which authorized the City to sell \$100 million of general obligation bonds to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including important City facilities and buildings. In 2017, as part of the City's Measure T1 Bond program, the Willard Clubhouse received funding for the Planning and Conceptual Design for a new or renovated Clubhouse. In 2018, the City began the planning and conceptual design process for the facility.

From 2019-2021, the City managed a public process with the community that resulted in a conceptual design for a 4,195-sf all-electric, multipurpose recreation building and featured a lobby, all gender restrooms, an office, a kitchenette, a 790-sf community room, and a larger 1,570-sf community room with a divisible wall to offer flexibility to

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<sup>1</sup> Berkeley Parks - Planning for an Equitable Future, July 2015, Berkeley Parks and Waterfront Commission Subcommittee on Planning.

<sup>2</sup> Parks for All Californians, Meeting the Park Needs of All Californians, 2015 Statewide Comprehensive Outdoor Recreation Plan (SCORP), <https://www.parksforcalifornia.org/scorp/2015>

Contract: Buhler Commercial for  
Willard Park Clubhouse and Restroom Replacement Project

CONSENT CALENDAR  
December 12, 2023

split the space into two smaller rooms for community events and recreational programming.

Due to sharp increases in construction costs between 2021-2023, the cost estimate for the original, preferred plan escalated over the total project budget. In response to the unanticipated increase, the project was reduced in size and scope from 4,195-sf to 3,301-sf. In lieu of three community rooms, the new community building will include one divisible community room comprised of 1,614-sf activity space and a new separate public restroom on the west side of the park. All other features will remain. The final project also includes a multipurpose outdoor plaza to the east of the building, similar in size to the existing outdoor plaza.

The project was advertised for bids on Tuesday, October 3, 2023, and bids were opened on November 14, 2023. The City received 7 bids, from a low base bid of \$6,210,061 to a high base bid of \$8,435,000, and from a low of \$6,418,925 to a high of \$8,513,000 for the base bid plus Additive Bid Alternates. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a certification of Compliance for the Equal Benefits Ordinance. The contract will be subject to the Community Workforce Agreement.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The new Willard Clubhouse will be all electric and LEED Silver. In addition, the construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy and Construction and Demolition Waste program of at least 50%.

#### RATIONALE FOR RECOMMENDATION

The new clubhouse and restroom are needed as part of the City's ongoing program to repair, renovate and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 510-981-6700

Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 510-981-6430

Attachments:

1: Resolution

2: Bid Results

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

CONTRACT: BUHLER COMMERCIAL FOR THE WILLARD PARK CLUBHOUSE AND  
RESTROOM REPLACEMENT PROJECT

WHEREAS, the Willard Park clubhouse is a Measure T1 project and is in need of renovation; and

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

WHEREAS, an invitation for bids (IFB) was duly advertised on October 3, 2023, bids were opened on November 2, 2023, and the City received 7 bids; and

WHEREAS, Buhler Commercial was determined to be the lowest responsive and responsible bidder, and references for Buhler Commercial were provided and checked out satisfactorily; and

WHEREAS, funding is available in the Measure T1 (Fund 511) and Capital Improvement Fund (Fund 501).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 23-11596-C for the Willard Park Clubhouse and Restroom Replacement Project are approved; and

BE IT FURTHER RESOLVED that that the construction contract is awarded to Buhler Commercial as the lowest responsive and responsible bidder for a total contract amount of \$6,210,061, which includes the base bid and no additive alternates; and

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 Buhler Commercial for the Willard Park Clubhouse and Restroom Replacement Project in an amount not to exceed \$6,831,067, which includes a contract amount of \$6,210,061 and a 10% contingency in the amount of \$621,006 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

EXHIBIT A – BID RESULTS



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

**FOR: Willard Park Clubhouse & Restroom Replacement Project**  
Spec. # 23-11596-C

Bid Date: 11/14/2023

| Bidders                                | Base Bid        | Alt. 1        | Alt. 2        | Alt. 1 (Deduct) | Experience - Fin. Qual | Bid Bond | required w/ bid |                |               |       |  |
|----------------------------------------|-----------------|---------------|---------------|-----------------|------------------------|----------|-----------------|----------------|---------------|-------|--|
|                                        |                 |               |               |                 |                        |          | Addenda (1-4)   | Subcontractors | Non-Collusion | CERTS |  |
| 1 Argo Construction Inc.               | \$ 6,693,000.00 | \$ 150,000.00 | \$ 150,000.00 | \$ (17,000.00)  | x                      | x        | x               | x              | x             | x     |  |
| 2 Azul Works Inc.                      | \$ 6,245,000.00 | \$ 78,000.00  | \$ 115,000.00 | \$ (37,000.00)  | x                      | x        | x               | x              | x             | x     |  |
| 3 Buhler Commercial                    | \$ 6,210,061.00 | \$ 122,729.00 | \$ 86,135.00  | \$ (10,960.00)  | x                      | x        | x               | x              | x             | x     |  |
| 4 CWS Construction Group Inc.          | \$ 7,585,000.00 | \$ 85,000.00  | \$ 25,000.00  | \$ (15,000.00)  | x                      | x        | x               | x              | x             | x     |  |
| 5 Eric F. Anderson Inc                 | \$ 7,870,979.00 | \$ 120,908.00 | \$ 72,767.00  | \$ (8,296.00)   | x                      | x        | x               | x              | x             | x     |  |
| 6 Rodan Builders Inc.                  | \$ 6,436,000.00 | \$ 70,000.00  | \$ 80,000.00  | \$ (13,000.00)  | x                      | x        | x               | x              | x             | x     |  |
| 7 Wickman Development and Construction | \$ 8,435,000.00 | \$ 45,000.00  | \$ 50,000.00  | \$ (17,000.00)  | x                      | x        | x               | x              | x             | x     |  |
| 8                                      |                 |               |               |                 |                        |          |                 |                |               |       |  |
| 9                                      |                 |               |               |                 |                        |          |                 |                |               |       |  |
| 10                                     |                 |               |               |                 |                        |          |                 |                |               |       |  |

Bid Recorder: Talia Stewart   
 Bid Opener: Josh Roben   
 Project Manager: Stacey Rutherford 

Date Nov 15, 2023  
 Date Nov 15, 2023  
 Date Nov 15, 2023

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390  
 E-mail: [finance@ci.berkeley.ca.us](mailto:finance@ci.berkeley.ca.us)





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

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 Ronald Henry Klein

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 Ronald Henry Klein.

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 Ronald Henry Klein 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 – Klein Family

CONSENT CALENDAR

December 12, 2023

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

Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:

1: Resolution



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

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF  
RONALD HENRY KLEIN

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 Ronald Henry Klein 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 Ronald Henry Klein is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

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 Ramakant Tulsian

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 Ramakant Tulsian.

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 Ramakant Tulsian 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 – Tulsian Family

CONSENT CALENDAR

December 12, 2023

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

Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:

1: Resolution

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

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF  
RAMAKANT TULSIAN

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 Ramakant Tulsian 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 Ramakant Tulsian is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works  
Subject: Contract (Specification No. 24-11619-C: Koios Engineering, Inc. for The Alameda, et al. Sanitary Sewer Rehabilitation Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on The Alameda, Keeler Avenue, Euclid Avenue Et Al., and:

- Accept the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc., and
- Authorize 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 \$3,456,596, which includes a 10% contingency of \$314,236.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2024 Sanitary Sewer Fund.

|                                        |                    |
|----------------------------------------|--------------------|
| Low bid by Koios Engineering, Inc..... | \$3,142,360        |
| 10% Contingency .....                  | \$314,236          |
| <b>Total construction cost</b>         | <b>\$3,456,596</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 24-11619-C) was released on September 26, 2023, and bids were opened on October 24, 2023. Five non-local bids were received ranging from a minimum of \$2,791,439 to a maximum of \$4,212,761, as detailed in Attachment 3 (Bid Results). The City Staff estimate for the project was \$4.3 million.

Bay Pacific Pipeline, Inc. submitted the lowest apparent bid at \$2,791,419. However, the bid was deemed non-responsive as it failed to include pricing details for a contract bid item and the associated subcontractor for that specific bid item. A second non-responsive bid for the amount of \$3,725,024 was submitted by Andes Construction.

Koios Engineering, Inc., headquartered in San Francisco, California, became the lowest responsive and responsible bidder. Their submission presented a bid of \$3,142,360,

and their references were satisfactory. Therefore, Staff recommends the contract be awarded to Koios Engineering, Inc. Responsive bids as detailed in Attachment 3 (Bid Results)

This sanitary sewer project supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure amenities and the goal of protecting the environment.

### BACKGROUND

To remain compliant with the, National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree issued September 22, 2014, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce stormwater infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in eliminating discharge from its wet weather facilities by the end of 2035.

This is the tenth year of the twenty-two-year Consent Decree program, which stipulates that the City shall perform collection system repair and rehabilitation to control infiltration and inflow. This supports ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sewer system and eliminate potential health hazards to the public. The project is located throughout the City, as shown on the Location Map (Attachment 2). These sanitary sewer collection systems need immediate rehabilitation to prevent pipe failures, sewer blockages, leakage, and capacity issues. Field investigations using a closed-circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to difficulties previously found in other sanitary sewer mains before their replacement.

Planned work includes the rehabilitation of approximately 5,323 linear feet of sanitary sewer mains varying in size from 6-inch to 12-inch diameter sanitary sewer pipe; rehabilitation of sixty-five maintenance holes; removal and reconstruction of fifteen maintenance holes; replacement of 4-inch and 6-inch diameter sanitary sewer laterals, and other related work. The City has provided an option of a trenchless method for most of this sanitary sewer rehabilitation work to reduce traffic impacts and minimize inconvenience to the public. This trenchless method replaces pipelines buried below street level without traditional open trench construction.

The contract's one hundred forty working day term includes a ninety-five working day construction period and an additional forty-five working days for project closeout.



The City filed a Notice of Exemption declaring this work is exempt from the California Environmental Quality Act (CEQA). This notification was filed with Alameda County to fulfill the requirement for public notification. No comments, questions, or protests were received.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improvements to the City's sanitary sewer system will help protect water quality by reducing the frequency of SSOs and infiltration and inflow into the City's sanitary sewer system that can negatively affect the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks the in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree requires the City to complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year yearly average of approximately 22,200 linear feet replaced or rehabilitated through 2023.

#### ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's sanitary sewer pipelines are in poor condition and need timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

#### CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439  
Srinivas Muktevi, Supervising Civil Engineer, Public Works, (510) 981-6402  
Adadu Yemane, Associate Civil Engineer, Public Works, (510) 981-6413

#### Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results

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

CONTRACT: KOIOS ENGINEERING INC. FOR SANITARY SEWER REHABILITATION  
– THE ALAMEDA, KEELER AVENUE, EUCLID AVENUE ET AL. PROJECT

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation Project and other urgent/emergent sewer repairs; and

WHEREAS, on September 26, 2023, the City released an Invitation for Bids (Specification No. 24-11619-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received five bids, and Koios Engineering, Inc. was found to be the lowest cost, most responsive and responsible bidder; and

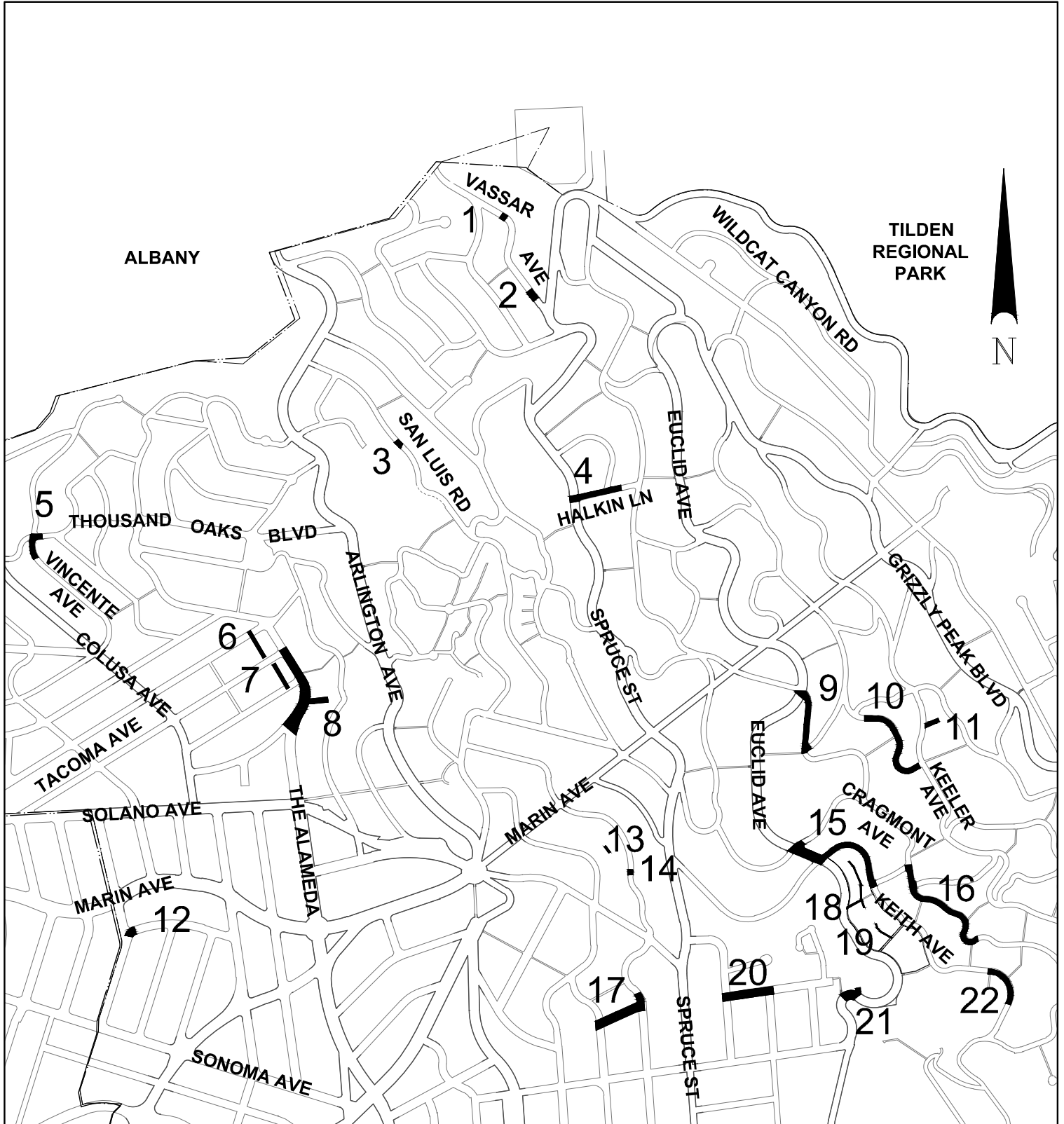
WHEREAS, the City filed a Notice of Exemption on May 18, 2023, declaring this work is exempt from the California Environmental Quality Act; and

WHEREAS, funds are available in the FY 2024 budget Sanitary Sewer Fund 611.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and result of Specification No. 24-11619-C for the Sanitary Sewer Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Koios Engineering, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project -The Alameda, Keeler Avenue, Euclid Avenue et Al. The project is located throughout the City, in an amount not to exceed \$3,456,596. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

CITY OF BERKELEY, CALIFORNIA  
**SANITARY SEWER REHABILITATION**  
 URGENT SEWER PROJECT FY 2024  
 SPECIFICATION NO. 23-11619-C



LEGEND

 POINT REPAIR LOCATION

ATTACHMENT 3 (BID RESULTS)

PROJECT NAME: SANITARY SEWER REHABILITATION  
THE ALAMEDA, EUCLID AVE, ET AL.

SPECIFICATION NO. 24-11619-C  
BID OPENING: 2:00 p.m., OCTOBER 24, 2023

| ITEM NO. | DESCRIPTION                                                                                                                                                                                                   | ESTIMATED QUANTITY | UNIT | Koisos<br>SAN FRANCISCO, CA |              | APB Engineering<br>OAKLAND, CA |              | PRECISION ENGINEERING, INC<br>SAN FRANCISCO, CA |              |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------|-----------------------------|--------------|--------------------------------|--------------|-------------------------------------------------|--------------|
|          |                                                                                                                                                                                                               |                    |      | Unit price                  | Total amount | Unit price                     | Total amount | Unit price                                      | Total amount |
| 1.       | Mobilization/Demobilization                                                                                                                                                                                   | 1                  | LS   | \$250,000.00                | \$250,000.00 | \$175,000.00                   | \$175,000.00 | \$587,000.00                                    | \$587,000.00 |
| 2.       | Traffic Control Plan                                                                                                                                                                                          | 1                  | LS   | \$125,000.00                | \$125,000.00 | \$32,000.00                    | \$32,000.00  | \$555,000.00                                    | \$555,000.00 |
| 3.       | Lighted Message board                                                                                                                                                                                         | 4                  | EA   | \$250.00                    | \$1,000.00   | \$16,000.00                    | \$64,000.00  | \$5,000.00                                      | \$20,000.00  |
| 4.       | Pre-construction audio/video survey and distribution of public notices                                                                                                                                        | 1                  | LS   | \$50,000.00                 | \$50,000.00  | \$23,000.00                    | \$23,000.00  | \$10.00                                         | \$10.00      |
| 5.       | Pre-construction closed circuit television inspection and location of active house laterals                                                                                                                   | 5,067              | LF   | \$2.50                      | \$12,667.50  | \$5.00                         | \$25,335.00  | \$4.00                                          | \$20,268.00  |
| 6.       | Construction staking and cutsheets                                                                                                                                                                            | 1                  | LS   | \$1,000.00                  | \$1,000.00   | \$25,000.00                    | \$25,000.00  | \$10.00                                         | \$10.00      |
| 7a.      | Rehabilitate existing maintenance hole or junction box                                                                                                                                                        | 65                 | EA   | \$3,850.00                  | \$250,250.00 | \$6,000.00                     | \$390,000.00 | \$10,000.00                                     | \$650,000.00 |
| 8.       | Construct std. MH and drop MH, including lining, eccentric cones, all depths                                                                                                                                  | Not Used           | EA   | ---                         | \$0.00       | ---                            | \$0.00       | ---                                             | \$0.00       |
| 9a.      | Remove existing structures and construct std. MH, drop MH, shallow MH, junction box, eccentric cones, all depths                                                                                              | 4                  | EA   | \$15,000.00                 | \$60,000.00  | \$9,500.00                     | \$38,000.00  | \$12,000.00                                     | \$48,000.00  |
| 9b.      | Remove existing structure and construct lamphole or cleanout, all depths                                                                                                                                      | 26                 | EA   | \$2,500.00                  | \$65,000.00  | \$6,000.00                     | \$156,000.00 | \$12,000.00                                     | \$312,000.00 |
| 9c.      | Remove existing structures and construct 36" Diameter HDPE MH, all depths                                                                                                                                     | 11                 | EA   | \$15,000.00                 | \$165,000.00 | \$9,500.00                     | \$104,500.00 | \$15,000.00                                     | \$165,000.00 |
| 10a.     | Rehabilitation by Method "A" CIPP for maintaining pipe size from 6 to 6-inch pipe; includes point repair to correct sags                                                                                      | 427                | LF   | \$150.00                    | \$64,050.00  | \$185.00                       | \$78,995.00  | \$140.00                                        | \$59,780.00  |
| 10b.     | Rehabilitation by Method "A" CIPP for maintaining pipe size from 8 to 8-inch pipe; includes point repair to correct sags                                                                                      | 446                | LF   | \$105.00                    | \$46,830.00  | \$220.00                       | \$98,120.00  | \$95.00                                         | \$42,370.00  |
| 11a.     | Rehabilitation by Method "B" Pipe Splitting or Other Comparable Method for Increasing Pipe Size From 4-inch to 4-inch, or 4-inch to 6-inch Diameter; Includes Point Repairs to Correct Sags                   | Not Used           | LF   |                             | \$0.00       |                                | \$0.00       |                                                 | \$0.00       |
| 11b.     | Rehabilitation by Method "B" Pipe Splitting or Other Comparable Method for Increasing Pipe Size From 6-inch to 6-inch, 6-inch to 8-inch, or 8-inch to 8-inch Diameter; Includes Point Repairs to Correct Sags | 2,544              | LF   | \$185.00                    | \$470,640.00 | \$210.00                       | \$534,240.00 | \$250.00                                        | \$636,000.00 |
| 11c.     | Rehabilitation by Method "B" pipe splitting, reaming, or other comparable method for increasing pipe size from 8 to 10-inch, or 10-inch to 10-inch Diameter; Includes Point Repairs to Correct Sags           | 414                | LF   | \$450.00                    | \$186,300.00 | \$220.00                       | \$91,080.00  | \$275.00                                        | \$113,850.00 |

ATTACHMENT 3 (BID RESULTS)

PROJECT NAME: SANITARY SEWER REHABILITATION  
THE ALAMEDA, EUCLID AVE, ET AL.

SPECIFICATION NO. 24-11619-C  
BID OPENING: 2:00 p.m., OCTOBER 24, 2023

| ITEM NO. | DESCRIPTION                                                                                                                                                                                               | ESTIMATED QUANTITY | UNIT | Koisos<br>SAN FRANCISCO, CA |              | APB Engineering<br>OAKLAND, CA |              | PRECISION ENGINEERING, INC<br>SAN FRANCISCO, CA |              |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------|-----------------------------|--------------|--------------------------------|--------------|-------------------------------------------------|--------------|
|          |                                                                                                                                                                                                           |                    |      | Unit price                  | Total amount | Unit price                     | Total amount | Unit price                                      | Total amount |
| 11d.     | Rehabilitation by Method "B" pipe splitting, reaming, or other comparable method for increasing pipe size from 10 to 12, or 12-inch to 12-inch Diameter; Includes Point Repair to <del>Correct Sags</del> | 856                | LF   | \$475.00                    | \$406,600.00 | \$250.00                       | \$214,000.00 | \$350.00                                        | \$299,600.00 |
| 11e.     | Rehabilitation by Method "B" slip lining of host pipe size of 8-inch diameter with 6-inch diameter (Revocable)                                                                                            | 183                | LF   | \$175.00                    | \$32,025.00  | \$150.00                       | \$27,450.00  | \$175.00                                        | \$32,025.00  |
| 12a.     | Sewer construction and replacement by Method "C" Traditional Open Trench Method for Increasing Pipe Size from 4-inch to 6-inch or 6-inch to 6-inch Diameter; Includes Point Repair of <del>Sags</del>     | 288                | LF   | \$425.00                    | \$122,400.00 | \$325.00                       | \$93,600.00  | \$450.00                                        | \$129,600.00 |
| 12b.     | Sewer construction and replacement by Method "C" Traditional Open Trench Method for Increasing Pipe Size from 6-inch to 8-inch or 8-inch to 8-inch; Includes Point Repair of Sags                         | 125                | LF   | \$450.00                    | \$56,250.00  | \$375.00                       | \$46,875.00  | \$650.00                                        | \$81,250.00  |
| 12c.     | Sewer construction and replacement by Method "C" Traditional Open Trench Method for increasing pipe size from 8 to 10-inch diameter, or 10-inch to 10-inch; Includes Point Repair for <del>Sags</del>     | Not Used           | LF   |                             | \$0.00       |                                | \$0.00       |                                                 | \$0.00       |
| 12d.     | Sewer construction and replacement by Method "C" Traditional Open Trench Method for increasing pipe size from 10 to 12-inch diameter, or 12-inch to 12-inch; Includes Point <del>Repair for Sags</del>    | 40                 | LF   | \$1,500.00                  | \$60,000.00  | \$650.00                       | \$26,000.00  | \$725.00                                        | \$29,000.00  |
| 13.      | Lower lateral reconstruction (typically 4-inch and 6-inch laterals)                                                                                                                                       | 600                | LF   | \$50.00                     | \$30,000.00  | \$175.00                       | \$105,000.00 | \$5.00                                          | \$3,000.00   |

ATTACHMENT 3 (BID RESULTS)

PROJECT NAME: SANITARY SEWER REHABILITATION  
THE ALAMEDA, EUCLID AVE, ET AL.

SPECIFICATION NO. 24-11619-C  
BID OPENING: 2:00 p.m., OCTOBER 24, 2023

| ITEM NO.          | DESCRIPTION                                                                                                                     | ESTIMATED QUANTITY | UNIT | Koisos<br>SAN FRANCISCO, CA |                       | APB Engineering<br>OAKLAND, CA |                       | PRECISION ENGINEERING, INC<br>SAN FRANCISCO, CA |                       |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------|------|-----------------------------|-----------------------|--------------------------------|-----------------------|-------------------------------------------------|-----------------------|
|                   |                                                                                                                                 |                    |      | Unit price                  | Total amount          | Unit price                     | Total amount          | Unit price                                      | Total amount          |
| 14.               | Installation of two-way cleanouts and lateral risers                                                                            | 68                 | EA   | \$750.00                    | \$51,000.00           | \$1,200.00                     | \$81,600.00           | \$5.00                                          | \$340.00              |
| 15.               | Connection of active laterals to new or rehabilitated sewer main or MH                                                          | 19                 | EA   | \$500.00                    | \$9,500.00            | \$5,000.00                     | \$95,000.00           | \$5.00                                          | \$95.00               |
| 16.               | Post-construction closed circuit television inspection and construction As-Built Drawings                                       | 5,067              | LF   | \$2.50                      | \$12,667.50           | \$5.00                         | \$25,335.00           | \$4.00                                          | \$20,268.00           |
| 17.               | Remove existing and construct standard curb and gutter                                                                          | 26                 | LF   | \$75.00                     | \$1,950.00            | \$450.00                       | \$11,700.00           | \$5.00                                          | \$130.00              |
| 18.               | Remove existing, and construct standard sidewalk and driveway                                                                   | 40                 | SF   | \$50.00                     | \$2,000.00            | \$100.00                       | \$4,000.00            | \$5.00                                          | \$200.00              |
| 19.               | Utility x-ings not shown and/or identified on the plans and not marked on street, length of x-ing <25 feet, 1/2-6 inch diameter | 15                 | EA   | \$250.00                    | \$3,750.00            | \$2,500.00                     | \$37,500.00           | \$5.00                                          | \$75.00               |
| 20.               | Utility x-ings not shown and/or identified on the plans and not marked on street, length of x-ing <25 feet, 6-24 inch diameter  | 5                  | EA   | \$250.00                    | \$1,250.00            | \$4,500.00                     | \$22,500.00           | \$5.00                                          | \$25.00               |
| 21.               | Rock excavation                                                                                                                 | 75                 | CY   | \$10.00                     | \$750.00              | \$1,000.00                     | \$75,000.00           | \$5.00                                          | \$375.00              |
| 22.               | Reconstruction/Replacement of City monuments.                                                                                   | 6                  | EA   | \$100.00                    | \$600.00              | \$15,000.00                    | \$90,000.00           | \$5.00                                          | \$30.00               |
| 23.               | Supplemental Work                                                                                                               | 1                  | LS   | \$300,000.00                | \$300,000.00          | \$300,000.00                   | \$300,000.00          | \$300,000.00                                    | \$300,000.00          |
| 24.               | BART District Permit to Enter                                                                                                   | Not Used           | LS   |                             | \$0.00                |                                | \$0.00                |                                                 | \$0.00                |
| 25.               | Caltrans Encroachment Permit/Authorization to work                                                                              | Not Used           | LS   |                             | \$0.00                |                                | \$0.00                |                                                 | \$0.00                |
| 26.               | EBRPD Permit - Additional provisions and insurance requirements.                                                                | Not Used           | LS   |                             | \$0.00                |                                | \$0.00                |                                                 | \$0.00                |
| 27.               | Stormwater Pollution Control and Sewage Spill Prevention and Response Requirements                                              | 1                  | LS   | \$20,000.00                 | \$20,000.00           | \$50,000.00                    | \$50,000.00           | \$20,000.00                                     | \$20,000.00           |
| 28.               | Sewer Bypass (for Sewer Mains 27" and Larger)                                                                                   | Not Used           | LS   |                             | \$0.00                |                                | \$0.00                |                                                 | \$0.00                |
| 29.               | Investigate other existing sewer mains, structures, and laterals.                                                               | 1                  | LS   | \$1,500.00                  | \$1,500.00            | \$75,000.00                    | \$75,000.00           | \$20,000.00                                     | \$20,000.00           |
| 30.               | California Dept of Fish and Wildlife, Creek Permit - Additional Requirements For Work Adjacent to City's Creek                  | Not Used           | LS   |                             | \$0.00                |                                | \$0.00                |                                                 | \$0.00                |
| 31.               | Point (Spot) Repair                                                                                                             | 7                  | EA   | \$9,750.00                  | \$68,250.00           | \$20,000.00                    | \$140,000.00          | \$4,000.00                                      | \$28,000.00           |
| 32.               | Plug and abandon existing sewer mains, sewer structure and laterals                                                             | 1                  | LS   | \$10,000.00                 | \$10,000.00           | \$38,000.00                    | \$38,000.00           | \$20,000.00                                     | \$20,000.00           |
| 33.               | Cold Plane 0.2' (Revocable)                                                                                                     | 39,800             | SF   | \$5.10                      | \$202,980.00          | \$10.00                        | \$398,000.00          | \$0.20                                          | \$7,960.00            |
| 34.               | Concrete Staircase Replacement (Includes Handrail)                                                                              | 23                 | SF   | \$50.00                     | \$1,150.00            | \$850.00                       | \$19,550.00           | \$500.00                                        | \$11,500.00           |
| <b>TOTAL COST</b> |                                                                                                                                 |                    |      |                             | <b>\$3,142,360.00</b> |                                | <b>\$3,811,380.00</b> |                                                 | <b>\$4,212,761.00</b> |



Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works  
 Subject: Purchase Orders: Pinnacle Petroleum, Inc. and Western States, Inc. for Bulk Renewable Diesel and Gasoline

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute multi-year purchase orders as outlined below through June 30, 2029:

1. Purchase Order with Pinnacle Petroleum to provide fuel for City vehicles and equipment in an amount not to exceed \$8,500,000 for the next four fiscal years (FY 2025 through FY 2029).
2. Purchase Order with Western States, Inc. to provide fuel for City vehicles and equipment in an amount not to exceed \$2,000,000 for the next four fiscal years (FY 2025 through FY 2029).

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY2024 baseline budget in the Equipment Maintenance Fund (Fund 672) in the amount of \$400,000 and Fire Fund (Fund 011) in the amount of \$145,000. Additional funding will be requested as part of the Second Amendment to the FY 2024 Annual Appropriations Ordinance.

Funds for the next four years (FY25-FY29) in the amount of \$8,855,000 will be appropriated as part of the Annual Appropriations Ordinance in the Equipment Maintenance Fund and Fire Fund.

CURRENT SITUATION AND ITS EFFECTS

Fuel is purchased by Public Works Equipment Maintenance Division for use by City vehicles and equipment, including emergency generators, and by the Fire Department for fuel at the City located Fire stations.

On July 18, 2023, Public Works released an Invitation for Bids Specification No. 23-11579-C for Bulk Renewable Diesel and Gasoline. The solicitation was released for approximately sixty-six days including the day of the bid opening. Four bids were received and after review by the Department of Public Works and Finance-General

Services Pinnacle Petroleum, Inc. was determined to be the lowest responsible bidder that met the specifications based on a fixed rate discount (-) \$0.0127 for unleaded gasoline, and \$0.0654 for renewable diesel over the published San Francisco Oil Price Information Services (OPIS).

Public Works recommends selecting an alternate Fuel Service Provider in case of emergency or unforeseen circumstances whereby primary provider (Pinnacle Petroleum, Inc.). Western States Petroleum Oil, Inc was the second responsive bid that meets the specification based on fixed rate price \$0.1500 for unleaded gasoline, and \$0.0400 for renewable diesel, both above the published San Francisco OPIS.

These purchase orders support the Strategic Plan Priority goal of creating a resilient, safe, connected, and prepared city.

### BACKGROUND

In October 1981, Council adopted Resolution No. 50,961-N.S. authorizing the City to buy fuel on the open market. Because the Resolution did not have a not to exceed amount, the purchases on the open market were made without any price analysis. Due to fluctuations in fuel prices, it has not been possible to obtain a long-term bid.

The OPIS is available which indexes oil prices and provides cities with an average cost of fuel on a weekly basis. Bidders can then bid on a fixed price or percentage either over or under the weekly basis what the price of fuel in the San Francisco area is and by applying the bidders offer to be able to monitor prices being charged, and manager expenditures for this commodity.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Fuel purchased from Pinnacle Petroleum Inc, and Western States includes San Francisco ultra-low sulfur renewable diesel and CARB regulated unleaded fuel formulated with 10% Ethanol and Cap-At-The-Rack (CAR) added.

The City currently uses a combination of renewable diesel, gasoline, and electricity to power its fleet and equipment. The City has used renewable diesel exclusively for diesel vehicles and equipment since 2016. The City is urgently transitioning its light duty fleet to electric but will need to continue to purchase fuel as commercially available and viable fully electric medium and heavy-duty vehicles are not available at this time. Additionally, the City Fleet has decreased its consumption of gasoline by 38% since 2001, and will continue to decrease as the fleet converts to electric. Public Works will also be performing a Fleet Right-Sizing Assessment to look for additional opportunities to reduce fuel usage and the overall number of vehicles in the fleet.

Public Works is on track to complete the conversion of the light-duty fleet to EVs by 2028, two years ahead of the assessment's schedule. Additionally, funding was allocated to the Public Works Capital Improvement Fund to construct charging infrastructure for the Corporation Yard. This project is currently in contracting phase with



anticipated construction beginning in early 2024. Additionally, the City is transitioning away from Compressed Natural Gas vehicles to renewable diesel to further reduce the carbon footprint of the City's fleet.

RATIONALE FOR RECOMMENDATION

Based on the results of bid specification number 23-11579-C, the Department of Public works along with Finance-General Services is confident that the City obtained the best pricing available for fuel and has done so in a competitive market. With the availability of the OPIS Price Index, fuel prices will be monitored and the City will know exactly what prices will be on a weekly basis.

ALTERNATIVE ACTIONS CONSIDERED

City will continue to purchase fuel on the open market with reference to a set weekly price.

CONTACT PERSON

Greg Ellington, Superintendent, Department of Public Works (510) 981-6469  
Joy Brown, Operations Manager, Department of Public Works (510) 981-6629  
Sherri Degnan, Senior Buyer, Department of Finance (510) 981-7313

Attachments:

- 1: Resolution: Purchase Order Pinnacle Petroleum, Inc.
- 2: Resolution: Purchase Order Western States, Inc.

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

PURCHASE ORDER: PINNACLE PETROLEUM, INC. FOR BULK RENEWABLE  
DIESEL AND GASOLINE

WHEREAS, fuel is needed for purchase by the Department of Public Works Equipment Maintenance Division for use for city vehicles and equipment including emergency generators for the Fire Department; and

WHEREAS, on October 6, 1981 by Resolution No. 50,961-N.SL, the City Council authorized the purchase of fuel on the open market; and

WHEREAS, on July 18, 2023 the Department of Public Works issued an Invitation for Bids for Bulk Renewable Diesel and Gasoline. The solicitation was released for approximately sixty-six days including the day of the bid opening, and four bids were received; and

WHEREAS, Public Works and Finance-General Services determined that Pinnacle Petroleum, Inc. submitted the lowest responsible bid that met the specifications; and

WHEREAS, funding for the fuel purchases in remainder of FY 2024 is provided in the baseline budgets in Equipment Maintenance Fund 672 and Fire Fund 011; and

WHEREAS, future funding required for the next four years (FY 2025-FY 2029) will be appropriated in the Equipment Maintenance and Fire Funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute multi-year purchase orders with Pinnacle Petroleum, Inc. to provide fuel delivery services for City vehicles and equipment including emergency generators in an amount not to exceed \$8,500,000 through June 30, 2029.

December 12, 2023

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

PURCHASE ORDER: WESTERN STATES, INC. FOR BULK RENEWABLE DIESEL  
AND GASOLINE

WHEREAS, fuel is needed for purchase by the Department of Public Works Equipment Maintenance Division for use for city vehicles and equipment including emergency generators for the Fire Department; and

WHEREAS, on October 6, 1981 by Resolution No. 50,961-N.SL, the City Council authorized the purchase of fuel on the open market; and

WHEREAS, on July 18, 2023 the Department of Public Works issued an Invitation for Bids for Bulk Renewable Diesel and Gasoline. The solicitation was released for approximately sixty-six days including the day of the bid opening, and four bids were received; and

WHEREAS, Public Works and Finance-General Services determined that Western States, Inc. submitted the second lowest responsible bid that met the specifications; and

WHEREAS, Public Works is selecting two vendors to provide fuel to the City in case of emergencies, and

WHEREAS, funding for the fuel purchases in remainder of FY 2024 is provided in the baseline budgets in Equipment Maintenance Fund 672 and Fire Fund 011; and

WHEREAS, future funding required for the next four years (FY 2025-FY 2029) will be appropriated in the Equipment Maintenance and Fire Funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute multi-year purchase orders with Western States, Inc. to provide fuel delivery services for City vehicles and equipment including emergency generators in an amount not to exceed \$2,000,000 through June 30, 2029.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works

Subject: Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractor Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,600,000.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of four (4) Tractor Trucks and Trailers will not exceed \$1,600,000 and includes CA tire fees, extended warranty and sales tax. Funding will be recommended for appropriation through the Second Amendment to the FY 2024 Annual Appropriation Ordinance (AAO2) in the Equipment Replacement Fund 671.

CURRENT SITUATION AND ITS EFFECTS

The purchase of four (4) Tractor Trucks will replace four (4) existing Tractor Trucks (Unit Nos. 6052, 6053, 6054, and 6055), and their corresponding Trailers (Unit Nos. 6012, 6013, 6014 and 6015). These Tractor Trucks and Trailers are utilized by the Zero Waste Division of the Public Works Department for transporting refuse to the City's landfill in (please provide the location) and recyclable materials to recycling facilities for secondary sort. The existing four (4) Tractor Trucks and Trailers currently in operation have reached the end of their economic and useful life and are due for replacement.

Electric/Hybrid Electric Evaluation

With all fleet purchases, Public Works staff research the feasibility and availability of fully electric vehicles and hybrid-electric powertrains to support the City's transition to renewable energy resources. Staff research and conversations with vehicle manufacturing representatives found that multiple companies are at this time either testing prototypes or planning to test heavy-duty electric truck models in California. These are nationally and established manufacturers, including Freightliner, Volvo, Peterbilt, and BYD. These new models are not currently commercially available and will

not be made available prior to the reasonable replacement window for the currently needed four (4) Tractor Trucks.

Based on current need and the above-mentioned outreach undertaken to meet the City's transition to renewable energy resources, Staff recommends The Tractor Trucks be replaced by vehicles powered by 100% renewable diesel that reduces greenhouse gas emission by as much as 50-80%. Usage of renewable diesel also complies with the City's Fossil Free Recommendations. This purchase is in alignment with the 2020 Municipal Fleet Electrification Assessment that recognized the lack of commercially available and viable heavy-duty vehicles.

The Department of Public Works is continuing its collaboration with Ava Community Energy (formerly known as East Bay Community Energy) on the Fleet Electrification Assessment for City Facilities including the Solid Waste and Recycling Transfer Station to help the transition to an all electric City Fleet.

This purchase will support the City's Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

#### BACKGROUND

Throughout the year, the Department of Public Works purchases vehicles and equipment for City's operating departments that are paid through the Equipment Replacement Fund. City departments that use fleet vehicles pay into the equipment replacement fund, which funds vehicle replacement as they reach the end of their life. If a purchase request exceeds \$25,000, the Department of Finance, General Services Division, solicits bids or "piggybacks" off competitively bid contracts to ensure the City's departments receive competitive pricing.

The City of Berkeley is a no-cost member and participant of Sourcewell (formerly National Joint Powers Alliance (NJPA)), a municipal contracting agency operation under the legislative authority of Minnesota Statue 123A.21. The original statute was revised in 1995 to allow government clients to better meet their specific needs through participation in a service cooperative, rather than paying the higher cost associated with individual procurement. Sourcewell allows participating municipal agencies to leverage the benefits of cooperative purchasing and reduces procurement costs. Sourcewell serves all educational, government, and non-profit agencies nationwide, and offers cooperatively contracted products, equipment and service opportunities to government entities throughout the U.S. All Sourcewell contracts have been competitively solicited nationwide.

On April 16, 2020 NJPA released Request for Proposal No. 060920 for Class 4-8 Chassis with Related Equipment, Accessories, and Services. The solicitation was released for approximately fifty-five days. On June 9, 2020, twenty-five (25) proposals were submitted and upon their review, NJPA selected National Auto Fleet Group as the

best most responsive proposer to meet the specifications, thusly awarding Contract No. 060920-NAF.

For all contracts, Sourcewell charges an administrative fee based upon a percentage of the sale, and that fee is paid by the Contractor directly to Sourcewell. For this purchase the fee will be paid by Contract holder National Auto Fleet Group and this cost will not be passed on to the City.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Public Works Equipment Maintenance endeavors to procure the most fuel-efficient vehicles and equipment that are suitable for the required tasks. At present, the Solid Waste & Recycling Transfer Station is undergoing a replacement project that will include electric vehicle charging capabilities that do not exist at this time. Electric heavy-duty trucks are in prototype development and expected to be commercially available when site construction is completed.

#### RATIONALE FOR RECOMMENDATION

Equipment must be replaced on a reasonable schedule to ensure the Public Works equipment operators can efficiently, safely, and effectively carry out their duties.

#### ALTERNATIVE ACTIONS CONSIDERED

Consideration was given to purchasing electric vehicles, but they do not currently exist in models that meet the City's mileage needs, nor can the City's electric charging infrastructure currently support heavy-duty vehicles if they did exist. Operating equipment longer than its useful life results in higher maintenance costs and excessive downtime in order to keep it operating in a safe and serviceable manner. Without these recommended vehicles, Zero Waste Division would be unable to transport materials for disposal or recycling, thus severely impacting operations.

#### CONTACT PERSON

Greg Ellington, Superintendent, Department of Public Works (510) 981-6469  
Leticia Jauregui, Acting Solid Waste & Recycling Manager, Department of Public Works (510) 981-6362  
Joy Brown, Operations Manager, Department of Public Works (510) 981-6629  
Sara Rubio, Temporary Fleet Procurement Specialist, Department of Public Works (510) 981-5372

Attachment:

1: Resolution

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

PURCHASE ORDER: NATIONAL AUTO FLEET GROUP FOR FOUR (4) TRACTOR TRUCKS AND TRAILER TRUCKS

WHEREAS, four (4) Tractor Trucks and Trailers are needed by City of Berkeley Zero Waste Division for transporting refuse to a landfill and recyclable materials to recycling facilities for secondary sort; and

WHEREAS, equipment must be replaced upon a reasonable schedule that allows operators to efficiently and effectively carry out their duties; and

WHEREAS, City Charter XI Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, on April 16, 2020, NJPA released Request for Proposal No. 060920 for Class 4-8 Chassis with Related Equipment, Accessories, and Services and the solicitation was released for approximately fifty-five days; and

WHEREAS, on June 9, 2020 twenty-five proposals were submitted and upon their review NJPA selected National Auto Fleet Group as the best most responsive proposer to meet the specifications, thusly awarding Contract No. 060920-NAF; and

WHEREAS, Sourcewell bid procedures satisfy the procurement requirements of the City of Berkeley; and

WHEREAS, funds in the amount of \$1,600,000 will be recommended for appropriation through the Second Amendment to the FY2024 Annual Appropriation Ordinance (AAO2) in the Equipment Replacement Fund (671).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order for four Tractor Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,600,000.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works  
 Subject: Purchase Order: Braun Northwest, Inc. for One (1) North Star 155 Type 1 Ambulance

RECOMMENDATION

Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 North Star 155-1 Type 1 Ambulance with Braun Northwest, Inc. in an amount not to exceed \$284,974.

FISCAL IMPACTS OF RECOMMENDATION

The purchase of one (1) North Star 155-1 Type 1 Ambulance will not exceed \$284,974 and includes delivery, CA tire fees and sales tax. Funding for this purchase is available in the FY 2024 budget for Equipment Replacement Fund.

CURRENT SITUATION AND ITS EFFECTS

This purchase will replace unit 1914 that has reached the end of its useful life expectancy. The new asset will be utilized by the Berkeley Fire Department Emergency Medical Services (EMS) Staff to provide critical emergency medical services throughout the City of Berkeley. The new ambulance will have a compact and efficient design, and is custom-built for quality, durability, and maximum functionality. The aluminum construction is designed to reduce weight and provide superior crash protection.

This purchase supports the City's Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

BACKGROUND

If a purchase request exceeds \$25,000, the Department of Finance, General Services Division solicits bids or "piggybacks" off competitively bid contracts to ensure the City's departments is receiving the best pricing.

The City of Berkeley has been a no-cost member of Houston-Galveston Area Council (HGACBuy), a Cooperative Purchasing Program that has offered inter-local purchasing since 2008. HGACBuy provides procurement services that make the government procurement process more efficient by establishing competitively priced contracts for goods and services made available to local governments nationwide.

Products and services offered through HGACBuy have been subjected to a public competitive bid process. On April 2, 2020 HGACBuy released an Invitation to Submit a Competitive Bid, No AM-10-20 for Ambulances, EMS & Other Special Service Vehicles. The solicitation was nationally advertised for thirty-six days. On May 7, 2020, twenty-four proposals were submitted and reviewed by the Houston-Galveston Area Council which selected Braun Northwest, Inc. as the best, most responsive and responsible proposer to meet the specifications, thereby awarding Contract No. AM10-20.

HGACBuy charges an order processing fee for each sale successfully completed through their contract. For this purchase a flat fee charge of \$1,000 will be paid directly to HGACBuy by Braun Northwest, Inc.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Public Works Equipment Maintenance Division researches the feasibility and availability of fully electric vehicles and hybrid-electric powertrains to support the City's transition off fossil fuels. Staff found there are no viable options available that meet the configuration and safety upgrades available in the current fleet. There are several companies in development and production stages of EV Emergency Medical Service vehicles, and the Fire Department is interested in testing those models when available.

In addition, there is no infrastructure available at the Fire Stations to support the electric charging of vehicles. The new ambulance will utilize 100% renewable diesel fuel. Usage of renewable diesel also complies with the City's Fossil Free Recommendations. This purchase aligns with the 2020 Municipal Fleet Electrification assessment that recognized the lack of commercially available and viable medium and heavy-duty vehicles. The Equipment Maintenance Division continues researching the availability of all electric ambulances.

#### RATIONALE FOR RECOMMENDATION

Equipment must be replaced on a reasonable schedule to ensure the Fire Department can efficiently, safely, and effectively carry out its duties.

#### 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

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

Attachment:

1. Resolution

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

PURCHASE ORDER: BRAUN NORTHWEST, INC. FOR ONE (1) NORTH STAR TYPE  
155-1 AMBULANCE

WHEREAS, one (1) North Star 155-1 Type 1 Ambulance is needed by the City Fire Department to provide ambulatory service in Berkeley; and

WHEREAS, Charter Section 67.2 allows the City to purchase goods without undergoing a competitive bid process if the City uses pricing obtained by another entity through a competitive bid process; and

WHEREAS, on April 2, 2020 Houston Galveston Area Council (HGACBuy) released an invitation to submit a Competitive Bid, No. AM10-20 for Ambulances, EMS & Other Special Service Vehicles. The solicitation was released for approximately thirty-six days and twenty-four bids were submitted and reviewed; and

WHEREAS, on May 7, 2020 HGACBuy selected Braun Northwest, Inc. as the best and most responsive bidder to meet the specifications, thereby awarding Contract No. AM10-20; and

WHEREAS, funds in the amount of \$284,974 are available in the FY2024 budget in the (671) Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order for one North Star Type 155-1 Ambulance with Braun Northwest, Inc. In an amount not to exceed \$284,974.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works  
 Subject: Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$832,750, and extending the contract term through December 31, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The annual expenditure is typically between \$80,000 and \$87,000 across City departments. Funding for FY 2024 is available in the baseline budget. Additional funding will be made available and appropriated as needed.

| Department / Fund                           | Erma Account Code                   | Amount   |
|---------------------------------------------|-------------------------------------|----------|
| Information Technology                      | 680-35-364-000-0000-000-472-612990- | \$50,000 |
| Parks, Recreation and Waterfront – Park Tax | 138-52-541-598-0000-000-461-612990- | \$5,000  |
| Public Works – Parking Meter                | 631-54-621-654-0000-000-472-612990- | \$1,500  |
| Public Works - Sanitary Sewer               | 611-54-621-654-0000-000-472-612990- | \$15,000 |
| Public Works – Zero Waste – Clean City      | 601-54-621-654-0000-000-472-612990- | \$5,000  |
| Public Works – Zero Waste                   | 601-54-627-732-3019-000-472-612990- | \$3,000  |
| Public Works – Clean Stormwater             | 616-54-621-654-0000-000-472-612990- | \$1,500  |
| Public Works – Equipment Maintenance        | 672-54-626-722-0000-000-472-612990- | \$1,000  |
| Public Works – State Transportation Tax     | 127-54-621-654-0000-000-412-612990- | \$1,500  |
| Public Works – Building Management          | 636-54-624-692-0000-000-472-612990- | \$1,500  |
| Public Works – Building Maintenance         | 673-54-624-692-0000-000-472-612990- | \$1,500  |
| Planning – Unified Program (CUPA)           | 622-53-582-601-0000-000-474-632110- | \$500    |
| Total Estimated Annual Amount               |                                     | \$87,000 |

### CURRENT SITUATION AND ITS EFFECTS

Direct Line Tele Response (Direct Line) provides after-hours answering services for Department of Public Works; Parks, Recreation and Waterfront; Department of Planning and Development. It also provides daytime coverage to the Information Technology's 311 Customer Service Division to support staff training and development and allows staff to attend key department meetings.

After normal business hours, on weekends, and on holidays, residents and businesses continue to contact the City to report urgent requests such as sewer problems, flooding, fallen tree limbs, broken traffic signals, hazardous material situations, and other urgent impacts in the public right of way or to City Facilities. Direct Line has trained staff to receive, listen, respond, dispatch and report urgent requests to City crews. In the event of a power outage in Berkeley, they have a backup generator to support their operations. If there is an earthquake or other catastrophic event, they have remote staff in other areas of California, Arizona, and Texas that are able to support our emergency dispatch needs.

The Direct Line contract amendment is a Strategic Plan Priority Project, advancing our goal of creating a resilient, safe, connected, and prepared city.

### BACKGROUND

The City issued a Request for Proposals in April 2014 and selected Direct Line Tele Response as the most responsive and qualified vendor. Direct Line Tele Response is a Berkeley-based business and is familiar with the needs of those client departments covered under this contract.

It is not cost effective for the City to provide phone coverage for the urgent calls it receives after normal business hours. The City has been using Berkeley based Direct Line as an answering service to take calls from the public for decades. When Direct Line Tele Response receives a call, it contacts the on-call assigned City staff to respond to the request for service. Non-emergency calls are recorded, and appropriate departments notified by email the next business day.

On May 20, 2014, the City Council authorized the City Manager to enter into a contract with Direct Line Tele Response to provide these services in an amount not to exceed \$75,000 (FUND\$ Contract No. 9674).

On April 1, 2015 the City Manager authorized an amendment to Contract No.9674 to modify only the contract scope to provide additional coverage services to the 311 Customer Service Center allowing staff to attend required trainings.

On April 25, 2017, the City Council authorized the City Manager to amend contract No. 9674A with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000.

On September 25, 2018, the City Council authorized the City Manager to amend contract No. 9786B with Direct Line Tele Response to increase the not to exceed amount to \$282,750 and extend the contract term to December 31, 2020.

On October 27, 2020, the City Council authorized the City Manager to amend contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$432,750 and extend the contract term to December 31, 2022

On June 28, 2022, the City Council authorized the City Manager to amend Contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$632,750 and extend the contract term to December 31, 2024.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Having an answering service to handle after hours calls allows City staff to respond quickly to a variety of operational needs such as hazardous materials spills, sewer problems, or other issues that could be harmful to the environment. There are no identifiable climate impacts.

#### RATIONALE FOR RECOMMENDATION

City staff does not currently have the capacity to provide after hours, weekend, and holiday call answering services. Direct Line Tele Response has extensive experience and has performed well during the contract term. Their services provide the City additional support during wet weather events and emergencies. They continue to upgrade their capacity and are reliable and cost effective. A new request for proposals will be issued subsequent to the contract execution with the vendor of the new Community Relationship Management Software and Services.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Joy Brown, Public Works Operations Manager, Public Works, (510) 981-6629  
Penelope Cash, Manager, Information Technology- 311, (510) 981-2489

Attachment:  
1: Resolution

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

CONTRACT NO. 102354-1 AMENDMENT: DIRECT LINE TELE RESPONSE FOR  
AFTER-HOURS ANSWERING SERVICES

WHEREAS, Direct Line Tele Response has provided reliable after-hours answering services during the contract term and has been able to support the 311 Customer Service during occasional required trainings and meetings; and

WHEREAS, in 2014 the City requested proposals for Citywide answering services and Direct Line Tele Response was selected as the most qualified firm to provide these services; and

WHEREAS, on May 20, 2014, by Resolution No. 66-586 N.S., the City Council authorized Contract No. 9674 with Direct Line Tele Response for after-hours answering services, in an amount not to exceed \$75,000 for the period of July 1, 2014 through June 30, 2017; and

WHEREAS, on April 25, 2017, by Resolution No.67,912 N.S., the Council authorized the City Manager to amend contract No. 9674 with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000; and

WHEREAS, on September 25, 2018, by Resolution No. 68,610 the Council authorized the City Manager to amend contract No. 9674B with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$282,750; and

WHEREAS, on October 27, 2020, the Council authorized the City Manager to amend contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$432,750 and extend the contract term to December 31, 2022; and

WHEREAS, on June 28, 2022, the Council authorized the City Manager to amend Contract No. 102354-1 with Direct Line Tele Response to increase the not to exceed amount to \$632,750 and extend the contract term to December 31, 2024; and

WHEREAS, there is an ongoing need for an answering service to answer calls and to dispatch City staff outside routine business hours for Public Works, Parks, Recreation and Waterfront, Department of Planning & Development's Toxics Management Division, and for coverage for Information Technology 311 Customer Service Division; and

WHEREAS, City staff does not currently have the capacity to perform the services provided by Direct Line Tele Response; and



December 12, 2023

WHEREAS, funds have been identified from each of the participating departments and divisions with an estimated annual expenditure of \$87,500 that is provided for in baseline FY 2024 budget and will be appropriated in future 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. 102354-1 with Direct Line Tele Response for after-hours answering services, and for periodic daytime coverage for 311 Customer Service, increasing the contract amount by \$200,000 for a total amount not to exceed \$832,750 and extending the term of the contract to December 31, 2025.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works  
 Subject: Contract No. 32300110 Amendment: SCI Consulting Group for On-Call Civil Engineering Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300110 with SCI Consulting Group to increase the spending authority by \$150,000 for a total not to exceed \$300,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment to increase the spending authority by \$150,000, for a total not to exceed \$300,000, is available in the FY 2024 budget in the Clean Stormwater Fund (616). Additional funding for this on-call contract is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for civil engineering services.

CURRENT SITUATION AND ITS EFFECTS

For certain capital improvement programs to move forward, Public Works staff rely on outside civil engineering consultants. There is a need for civil engineering services for assessment districts; designing streets, storm drains, green infrastructure, and sidewalk projects; and these projects' construction management and inspection.

On September 20, 2022, City Council authorized a contract with SCI Consulting Group (SCI) for a not to exceed amount of \$150,000 by Resolution No. 70,541-N.S.

From November 1, 2022 to September 1, 2023, task orders for on-call engineering services have been authorized to SCI for approximately 76% of their total contract amount. The scope of work has included Street Light Assessment District and Clean Storm Fee Administration, Proposition 218 proceedings, and an impact fee nexus study. There is a continuing need for on-call services over the next 2 years for assessment district administration. In order to continue providing existing services, staff proposes amending the contract for SCI for increased expenditure authority. If this contract is not amended, the City will be unable to continue using their services when the not-to-exceed amount is depleted.

The provided services support the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### BACKGROUND

Public Works Engineering Division is experiencing significantly increased workloads, resulting from staff vacancies, deferred maintenance, ongoing capital projects, and Measure T1 projects. The City has used civil engineering consultants in the past to design and manage projects. These include situations in which the nature of the work is specialized such as assessment districts, paving, drainage, and green infrastructure for design, permitting, construction administration, and inspections. On-call contracts provide professional design, engineering, and construction management services when needed and reduce the urgency and need for hiring additional staff.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. This contract will help ensure proper administration of assessments and successful completion of capital improvement projects including green infrastructure projects.

#### RATIONALE FOR RECOMMENDATION

SCI Consulting Group has particular expertise in administration of assessments, fees and special taxes for public agencies. The City has insufficient staffing and resources to properly administer these items. Amending this contract will assist the City in proceeding with required annual administration.

#### ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to amend this contract, in which case, the progress of planned capital improvement projects funded by these assessments and fees would be delayed and existing services would be affected.

#### CONTACT PERSON

LaTanya Bellow, Interim Director, Public Works, (510) 981-7000  
Ron Nevels, Manager of Engineering, Public Works, (510) 981-6439

Attachment:  
1: Resolution

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

CONTRACT NO. 32300110 AMENDMENT: SCI CONSULTING GROUP FOR ON-  
CALL CIVIL ENGINEERING SERVICES

WHEREAS, on September 20, 2022 by Resolution No. 70,541-N.S., the City Council authorized Contract No. 32300110 with SCI Consulting Group for on-call civil engineering services, in an amount not to exceed \$150,000 for a three-year period expiring December 31, 2025; and

WHEREAS, the City does not have sufficient in-house resources to perform the volume of necessary civil engineering services within the next two years; and

WHEREAS, the City needs to retain on-call civil engineering services for various Public Works projects including multiple projects generated by the passage of the Measure T1 Infrastructure & Facilities GO Bond and for staff augmentation services; and

WHEREAS, funds are available from the Clean Stormwater Fund 616 in the FY 2024 budget, and will be allocated from each fiscal year's capital budget based on each project or program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the Contract No. 32300110 with SCI Consulting Group for on-call civil engineering services increasing the amount by \$150,000 for a total not to exceed \$300,000. 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  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works

Subject: Contract No. 32400004 Amendment: Roofing Constructors, Inc. dba Western Roofing Service for on-call roofing and gutter repair services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400004 with Roofing Constructors, Inc. to increase the spending authority by \$200,000 for a total not to exceed \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment to increase the spending authority by \$200,000, for a total not to exceed \$250,000, will be recommended for appropriation through the First Amendment to the FY 2024 Annual Appropriation Ordinance from the Building Maintenance Fund.

CURRENT SITUATION AND ITS EFFECTS

Public Works Facilities Maintenance Division requires the assistance of a roofing and gutter company to provide routine maintenance and urgent repairs. This work is separate from capital roof replacement projects. Additional contract authority is being requested to support the urgent roofing repairs that are needed including but not limited to:

- Gutter and skylight replacement and leak repairs at the Transfer Station
- Leak repairs to Building C – staff offices at the Corporation Yard
- Leak repairs to Building D – electrical warehouse at the Corporation Yard
- Fire Training Tower and station roof repairs

This contract amendment supports the Strategic Plan Priority Project, advancing our goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

In 2023, the City issued a Request for Proposals for On-Call Gutter and Roofing for the Department of Public Works (Specification No. 22-11523). Roofing Constructors, Inc. dba Western Roofing Service was selected through that competitive bid process and was

Contract No. 32400004 Amendment: Roofing Constructors, Inc.  
dba Western Roofing Service for on-call roofing and gutter repair services

CONSENT CALENDAR  
December 12, 2023

authorized by the City Manager to enter into Contract No. 32400004 for a not to exceed amount of \$50,000 for the period of May 1, 2023 to June 30, 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified sustainability or climate impacts of this amendment.

RATIONALE FOR RECOMMENDATION

Well-maintained roof and gutter systems help protect City infrastructure.

ALTERNATIVE ACTIONS CONSIDERED

None. This amendment is critical to support urgent roof repairs.

CONTACT PERSON

Joy Brown, Operations Manager, Public Works, 510-981-6629  
Aaron Baker, Facilities Superintendent, Public Works, 510-981-6452

Attachment:

1: Resolution



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

CONTRACT NO. 32400004 AMENDMENT: ROOFING CONSTRUCTORS, INC. DBA WESTERN ROOFING SERVICE FOR ON-CALL ROOFING AND GUTTER REPAIR SERVICES

WHEREAS, the City of Berkeley owns buildings whose roofs and gutters need maintenance and repair; and

WHEREAS, Public Works Facilities and Building Maintenance staff rely on supplemental contractor provided roofing services to prevent damage to City infrastructure; and

WHEREAS, the City and Roofing Constructors, Inc. entered into Contract No. 32400004 for on call roofing and gutter repair services effective May 1, 2023; and

WHEREAS, urgent roof repairs are needed to several City facilities; and

WHEREAS, funding will be appropriated as part of the Second Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that the City Manager is authorized to execute an amendment to Contract No. 32400004 with Roofing Constructors, Inc. dba Western Roofing Service for on-call roofing and gutter repair services, increasing the contract amount by \$200,000 for a total contract not to exceed amount of \$250,000.





Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Deputy City Manager; Interim Director, Public Works

Subject: Contract No. 103266-1 Amendment - Karste Consulting, Inc. for Emergency Preparedness Services and Training

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$450,000 and to extend the term through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the amendment will be recommended for appropriation through the Second Amendment to the FY 2024 Annual Appropriation Ordinance (AAO2), and the annual cost of approximately \$45,000 will be allocated from the following Public Works funds: Street Light Fund, Equipment Maintenance, Building Maintenance, Zero Waste, Sanitary Sewer, and Clean Storm Water.

The FY2025 appropriations are subject to Council adoption of the budget. Actual expenditures may change based on specific training needs.

CURRENT SITUATION AND ITS EFFECTS

Public Works staff, like all City employees, are Disaster Service Workers and first responders to citywide disasters and emergencies, and its Department Operations Center (DOC) may be activated and mobilized in emergency events. Public Works staff must maintain relevant and up to date training to respond appropriately to emergency and disaster situations. Karste Consulting, Inc. (Karste) is well-qualified to provide the expertise needed to assist the Department with updating its emergency response plan; providing guidance on materials and equipment selection for the DOC; coordinating table top and activation exercises; and providing recommendations for improving the DOC and staff preparedness.

Karste helped Public Works create a virtual DOC and is now working to further develop actions plans for specific types of emergencies. The Operations Division is currently working through the recommendations provided by Karste from the FY2023 DOC training. In addition, Karste will be providing Public Works staff a Disaster Service Worker Training.

Amending the Karste contract is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

### BACKGROUND

In September 2014 the City issued an RFP for Emergency Services Review and Training for the Department of Public Works (Specification No. 15-10888). Karste was selected through that competitive bid process and was authorized by the City Manager to enter into Contract Number 9786 for a not-to-exceed amount of \$25,000 for the period October 1, 2014 to September 30, 2016.

On September 4, 2015, the City Manager approved an amendment for a revised not to exceed amount of \$50,000 for the period of October 1, 2014 to June 30, 2017.

On June 28, 2016, City Council approved a contract amendment to increase the contract not to exceed amount by \$100,000 and extend the contract term through June 30, 2019.

On September 25, 2018, City Council approved a contract amendment to increase the contract amount by \$100,000 for a total not to exceed amount of \$250,000 and extend the contract term through June 30, 2021.

On November 17, 2020, City Council approved a contract amendment to increase the contract amount by \$100,000 for a total not to exceed amount of \$350,000 and extend the contract through December 31, 2022.

On November 14, 2022, the City Manager extended the contract through June 30, 2023.

On June 26, 2023, the City Manager extended the contract through June 30, 2024.

The Department of Public Works is responsible for responding to many citywide emergencies and disasters. Karste offers support on needed updates to the DOC Emergency Operations Plan and provides opportunities to test the effectiveness of the Plan through ongoing staff training and exercises.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Karste has prepared a Debris Management Plan which, in the event of an emergency or disaster, will manage generated debris in the most sustainable way possible. There are no identifiable climate impacts.

### RATIONALE FOR RECOMMENDATION

The recommended amendment allows the City continued access to a proven consultant providing sound disaster and emergency preparedness training, exercises and guidance to Public Works staff. Karste has consistently provided high quality, cost effective professional services to the City. Currently, Public Works does not have staff in house who possess needed expertise in this area.

Contract No. 103266-1 Amendment - Karste Consulting, Inc.  
for Emergency Preparedness Services and Training

CONSENT CALENDAR  
December 12, 2023

ALTERNATIVE ACTIONS CONSIDERED

None. The Department currently needs external expertise to support its ongoing emergency preparedness training.

CONTACT PERSON

Joy Brown, Operations Manager, Department of Public Works, (510) 981-6629  
John Hurtado, Streets & Utilities Superintendent, Department of Public Works, (510)  
981-6484

Attachment:  
1: Resolution

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

CONTRACT NO. 103266-1 AMENDMENT: KARSTE CONSULTING, INC. FOR  
EMERGENCY PREPAREDNESS SERVICES AND TRAINING

WHEREAS, Karste Consulting, Inc. was selected through the City's competitive bid process, and in September 2014 the City Manager executed a contract to provide emergency preparedness services and training in an amount not-to-exceed \$25,000; and

WHEREAS, on September 4, 2015, the contract was amended and approved by the City Manager for a revised not to exceed amount of \$50,000 for the period of October 1, 2014 to June 30, 2017; and

WHEREAS, on June 28, 2016, Council approved a contract amendment for a revised not to exceed amount of \$100,000 for additional training and preparedness through June 30, 2019; and

WHEREAS, on September 25, 2018, Council approved a contract amendment for a revised not to exceed amount of \$250,000 and extended the contract term through June 30, 2021; and

WHEREAS, on November 17, 2020, Council approved a contract amendment to increase the contract amount by \$100,000 for a total not to exceed amount of \$350,000 and to extend the contract through December 31, 2022; and

WHEREAS, on November 14, 2022, the City Manager extended the contract through June 30, 2023; and

WHEREAS, on June 26, 2023, the City Manager extended the contract through June 30, 2024; and

WHEREAS, Public Works needs consulting services to provide ongoing training and assistance to the Department Operations Center to prepare for emergencies and disasters; and

WHEREAS, funding for the amendment will be recommended for appropriation through the Second Amendment to the Annual Appropriation Ordinance, and approximately \$45,000 of annual costs will be allocated in FY 2025 from Street Light Fund, Equipment Maintenance, Building Maintenance, Zero Waste, Sanitary Sewer, and Clean Storm Water.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley the City Manager is authorized to execute the amendment of Contract No. 103266-1 with Karste Consulting, Inc. increasing the amount by \$100,000 for a total contract amount not to

December 12, 2023

exceed \$450,000, and extending the term through June 30, 2025. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: LaTanya Bellow, Deputy City Manager, Interim Director, Public Works  
Subject: Contract: American Restore, Inc. for City of Berkeley Transfer Station Tipping Floor Repair Emergency Project at 1201 Second Street

RECOMMENDATION

Adopt a Resolution:

1. Acknowledging the necessity for immediate repairs to the Transfer Station Tipping Floor at 1201 Second Street due to hazardous conditions and authorizing an exception to the formal bidding process;
2. Accepting the proposal from American Restore, Inc. as the sole proposal received from an informal solicitation of multiple contractors for its specialized services in response to the urgent need for repair;
3. Authorizing the City Manager to execute the proposed contract with American Restore, Inc. and any amendments, extensions, or other change orders as necessary to facilitate the timely completion of the project, for an amount not to exceed \$443,207.00.

FISCAL IMPACTS OF RECOMMENDATION

The funding for the emergency repair of the Transfer Station Tipping Floor at 1201 Second Street is available and will be allocated from the Zero Waste funds as follows:

Funding Source: Zero Waste Fund- \$443,207.00

- American Restore, Inc. Proposal: \$402,915.00
- Contingency Allocation: \$40,292.00
- Total Construction Cost: \$443,207.00

The total amount includes the construction proposal amount and a contingency to address any unforeseen circumstances that may arise during the repair process. This allocation ensures the project's completion without the need for additional funding

sources, and no other projects will be impacted or delayed as a result of this expenditure.

### CURRENT SITUATION AND ITS EFFECTS

The Transfer Station Tipping Floor at 1201 Second Street has undergone critical structural disrepair in three sections. The concrete has eroded due to excessive wear from heavy equipment and caustic waste materials, exposing metal beams and rebar. This poses a significant safety hazard for City Staff, a significant safety hazard to the transfer station's equipment, and risks further damage that could substantially escalate repair costs for the City. An immediate commencement of repair work is paramount to prevent the exacerbation of these hazards and control potential financial implications.

After a competitive informal solicitation process, in which five contractors were contacted, only one bid was received. The response from contractors was limited due to the specialized nature of the repairs and the operational challenges posed by the transfer station, culminating in a single bid from American Restore, Inc. American Restore, Inc., the sole bidder, is highly experienced in this specific repair, having worked on transfer stations across the nation and previously on the City's facility. Their unique expertise and prior successful repair work on the tipping floor assure timely and effective restoration.

The Berkeley Transfer Station Tipping Floor Repair Emergency Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

The Berkeley Transfer Station serves as a pivotal component in the city's waste management system, providing a central location for the sorting and transfer of the community's refuse. It plays a crucial role in the City's environmental sustainability efforts and waste reduction strategies. This facility not only supports the City's zero-waste goals but also ensures the health and safety of the community by efficiently managing waste materials.

As an operational nexus for the City's waste, the station's integrity is vital for maintaining the flow and processing of materials. Its role extends beyond mere waste handling; it contributes to the City's resilience, facilitating the redirection of waste from landfills through recycling and recovery operations. The current structural disrepair of the tipping floor threatens the Transfer Station's core functionality.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The repair work will be conducted following the City's environmental and sustainability guidelines, ensuring minimal environmental impact during the repair process.

Contract: American Restore, Inc. for City of Berkeley  
Transfer Station Tipping Floor Repair Emergency Project  
at 1201 Second Street

CONSENT CALENDAR  
December 12, 2023

### 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. Given the urgency and specialized nature of the repair work, it is imperative to proceed with the contractor who has both the experience and capability to address the issue promptly and efficiently. Delaying repairs could lead to worsened conditions, increased hazards, and inflated costs.

### ALTERNATIVE ACTIONS CONSIDERED

None, due to the urgent need for repair and the specialized nature of the work required.

### CONTACT PERSON

Leticia Jauregui, Acting Solid Waste & Recycling Manager, Public Works, (510) 981-6362

Nick Cartagena, Associate Civil Engineer, Public Works, (510) 981-6338

### Attachments:

- 1: Resolution
- 2: Abstract of Solicitation of Contractors

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

CONTRACT WITH AMERICAN RESTORE, INC. FOR EMERGENCY REPAIRS AT  
1201 SECOND STREET

WHEREAS, the City Transfer Station Tipping Floor at 1201 Second Street requires immediate repair due to critical structural disrepair; and

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

WHEREAS, the condition of the tipping floor presents a significant hazard to Staff and equipment, and delays in repair could escalate costs significantly; and

WHEREAS, the City conducted an informal solicitation process, reaching out to five contractors for proposals on the urgent repair of the Transfer Station Tipping Floor at 1201 Second Street, and only American Restore, Inc. possessed the requisite expertise and capacity to submit a proposal for the specialized repairs needed; and

WHEREAS, funds are available in the FY 2024 budget in the Zero Waste Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council acknowledges the urgent necessity for immediate repairs to the Transfer Station Tipping Floor at 1201 Second Street due to hazardous conditions and hereby authorizes an exception to the formal bidding process in light of the emergency situation.

BE IT FURTHER RESOLVED that the Council accepts the proposal from American Restore, Inc. as the sole and specialized service provider, which was received through an informal solicitation process of multiple contractors, demonstrating the company's unique qualifications and readiness to address the urgent repair needs.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a contract with American Restore, Inc. for the repair of the Transfer Station Tipping Floor at 1201 Second Street, including any necessary amendments, extensions, or other change orders required to ensure the timely and effective completion of the project, for a total contract amount not to exceed \$443,207.00.

TRANSFER STATION TIPPING FLOOR EMERGENCY REPAIRS  
Abstract of Solicitation of Contractors

COB Staff

Nick Cartagena  
Rogelio Marquina  
Leticia Jauregui

|   | <u>Company Name</u>                                                                                                    | <u>Contact Person</u> | <u>Site Visit</u> | <u>Result</u>                                                                                                           |
|---|------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1 | Structural Group, Inc (previously known as Structural Technologies) - internal group "Pullman SST, Inc."               | Amelia Taylor         | 8/9/23            | Chose not to bid                                                                                                        |
| 2 | Structural Group, Inc (previously known as Structural Technologies) - internal group "Structural Preservation Systems" | Erik Lawrence         | n/a               | Chose not to bid                                                                                                        |
| 3 | American Restore                                                                                                       | Jim Andrews           | 9/25/23           | Received Bid                                                                                                            |
| 4 | Valentine Corporation                                                                                                  | Erick Carreno         | 9/29/23           | Chose not to bid - would only be a pass through and recommended we contract with their sub direction (American Restore) |
| 5 | OC Jones & Sons, Inc.                                                                                                  | Jason Martin          | 9/25/23           | Chose not to bid                                                                                                        |





Parks, Recreation and Waterfront Commission

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Parks, Recreation and Waterfront Commission  
 Submitted by: Claudia Kawczynska, Chairperson  
 Subject: Council Referral – Request for City Community Survey for placing a Modest Increase in the Parks Tax on the November 2024 Ballot

### RECOMMENDATION

The Parks, Recreation and Waterfront Commission recommends that the City Council include in upcoming community survey for possible 2024 ballot measures, a measure to increase the Parks Tax by 4ct/ft<sup>2</sup> or ~20%, and appropriate funding for the survey.

### CITY MANAGER

City Manager concurs with the recommendation contained in this report.

The City Manager also requests that Council consider re-allocating the \$100,000 identified in the FY2024 Budget for the “Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan” to a “community survey” for this and any other potential ballot measures.

### FINANCIAL IMPLICATIONS

The City’s Parks system is facing three major challenges:

- I. **Unfunded Major Maintenance and Capital Liabilities**  
 With all Measure T1 bond funds spent or allocated, the \$1M of the Parks Tax reserved for annual major maintenance/capital funding is insufficient to address the \$60 million in unfunded park capital needs. While there are federal and state grant opportunities, providing leverage of city taxpayer dollars from 1/1 to 5/1, the PRW Department does not have the matching funds required for many grants.
  
- II. **Declining Urban Forest**  
 Due to increased storm damage, old age, and lack of funding there are 10,000 empty tree spaces in City parks and the public right-of-way. In Berkeley, tree planting relies mainly on grant funding and volunteerism, resulting in little progress in filling empty tree spaces. While the existing urban forest coverage is adequate in the hill area, where it ranges from 20% - 50%,

it is inadequate in the flatlands, where it is 10% or less. A healthy urban forest can help address the impacts of Climate Change, by cooling urban spaces and mitigating the Heat Island Effect. The existing urban forest consists primarily of non-native trees, which do not support insect populations and the bird species that feed on them. By prioritizing native species and also using funds to increase the number of native-plant habitat gardens, the urban forest and park spaces can also help address Biodiversity Declines.

III. Unequal Funding Across Parks

The City has 53 parks with a total of 250 acres. The 150 acres east of I-80 are maintained by the Parks Tax. West of I-80, the 100 acres of waterfront parks (Cesar Chavez, Shorebird and Horseshoe) are maintained by the much smaller Marina Fund, which has no reserves and has a structural deficit, causing the infrastructure in these parks to deteriorate.

At the City Council’s March 20, 2023 Worksession, Staff suggested that while the current Parks Tax revenue cannot adequately fund maintenance costs, a voter-approved tax measure to increase the Parks Tax could unburden the Marina Fund and help close its structural deficit.

Consolidating ALL City Parks funding into the Parks Tax would ensure adequate funding for the three Waterfront Parks that comprise 40% of the City’s total park acreage.

IV. Solution

Addressing these problems will require additional funding, which could be provided by a modest increase in the Parks Tax that is comparable to the 17% increase approved by the voters in 2014. The estimated \$3.5M in annual revenue for this proposed new increase in November 2024 would be used to:

1. Double major maintenance/capital project funding
2. Increase grant matching funds to leverage city taxpayer dollars
3. Create a dedicated Urban Forest Unit to build a healthy urban forest of native trees.
4. Adequately fund the major/minor maintenance of the three waterfront parks.

CURRENT SITUATION AND ITS EFFECTS

At a regular meeting on November 8, 2023, the Parks, Recreation and Waterfront Commission approved a motion to communicate a recommendation to Council to include an increase in the Parks Tax by 4cts/SF or ~20% in a community survey for possible November 2024 ballot measures. The estimated \$3.5M annually, would be split equally between: major maintenance/capital projects, Urban Forest restoration, and consolidation of three Waterfront Parks into City Park system.

M/S/C (Avellar/Kawczynska/U). Ayes: Abshez; Avellar; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Wozniak; Noes: None; Absent: Hurtado; Leave of Absence: None.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

A modest increase in the Parks Tax can help the City maintain a healthy urban forest and City parks to better address the impacts of Climate Change, by cooling urban spaces and mitigating the Heat Island Effect.

RATIONALE FOR RECOMMENDATION

See body of the report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Roger Miller, Secretary, Parks, Recreation, and Waterfront Commission, 510-981-6704  
Claudia Kawczynska, Chairperson, Parks, Recreation and Waterfront Commission



CONSENT CALENDAR

December 12, 2023

**To:** Honorable Mayor and Members of the City Council

**From:** Jenny Wong, City Auditor *JW*

**Subject:** Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes

RECOMMENDATION

We recommend City Council request that the City Manager report back by June 2024 and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department and Human Resources. They have agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

The audit recommendations are intended to build upon the work the City is already doing to ensure that Measure FF funds are spent according to the ballot measure and city code. We anticipate minimal financial impacts of staff time to finalize AR 2.2 and report on Measure FF programs and spending.

CURRENT SITUATION AND ITS EFFECTS

In fiscal years 2022 and 2023, Measure FF funds were used according to the ballot measure and the BMC Ch. 7.83 for broad public safety purposes including firefighter and emergency medical response and wildfire prevention. The majority of funds went toward Emergency Medical Services and Wildland Urban Interface program areas, and the top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund.

Our audit reports that Measure FF transactions followed city purchasing procedures, but there were some limitations in internal processes and reporting. The Fire Department did not consistently provide detailed spending information to the Disaster and Fire Safety Commission due to short-staffing and reporting limitations. The Fire Department's initial hiring of retirees led to inefficient use of funds, but the Department and Human Resources have since adjusted positions and pay rates for retirees. Additionally, Human Resources is developing stronger guidelines for hiring retirees in its revision of AR 2.2. Finally, the Wildland Urban Interface Division did not have a consistent process for reporting on the performance of its inspection program.

BACKGROUND

Measure FF is a special tax dedicated to funding firefighter and emergency medical response, upgrades to the 9-1-1 dispatch system, hazard mitigation, and wildfire prevention and preparedness activities. In November of 2020, 74.2 percent of Berkeley voters passed Measure FF which authorized a special parcel tax of 10.47 cents per square foot of improvements for each

parcel of real property in the City of Berkeley. The tax was increased to 11.26 cents in fiscal year 2023.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve the City's internal processes for use of Measure FF funds.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

- 1: Audit Report: Spending Aligned with Ballot Measure FF and the City is Improving Internal Processes

Audit Report  
November 22, 2023

# Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor  
Caitlin Palmer, Audit Manager  
Pauline Miller, Auditor II



# Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes

## Report Highlights

November 22, 2023

### Findings

1. Measure FF spending aligned with the ballot measure and city code. The majority of funds went toward Emergency Medical Services (EMS) and Wildland Urban Interface (WUI) program areas and the top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund.

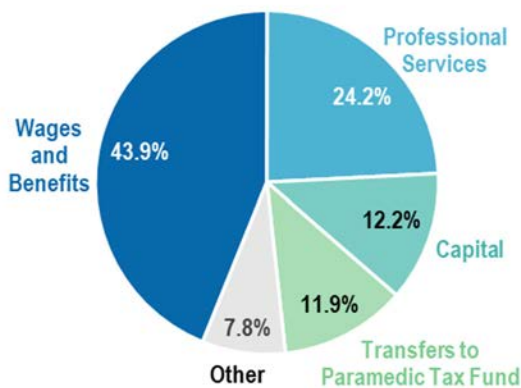
### Objectives

1. Did Measure FF spending align with the ballot measure and city code?
2. Are there adequate internal processes in place to ensure that Measure FF funds are used as intended?

### Why This Audit Is Important

Ensuring the City spends Measure FF funds in accordance with the ballot measure and city code is important because the tax is intended to address critical public safety concerns in Berkeley, including increased fire risk associated with climate change, a growing demand for emergency medical services, and an organizational mission that has expanded and requires more education, training, and equipment. Additionally, when Measure FF passed in November 2020, the Fire Department was under pressure from responding to the COVID-19 pandemic while experiencing significant recruitment and retention challenges and changes in leadership. These factors placed strain on the Fire Department's roll out of Measure FF programs and increased risk for misuse of funds.

Measure FF Spending by Category, Fiscal Years 2022 and 2023



Source: Berkeley's financial management system

2. Measure FF transactions followed city purchasing procedures but there were some limitations in internal processes and reporting. The Fire Department did not consistently provide detailed spending information to the oversight commission due to short-staffing and reporting limitations. Human Resources is improving internal processes for hiring retirees to avoid future inefficient spending. The WUI Division did not have a consistent process for reporting on the performance of its defensible space inspection program.

### Recommendations

To strengthen reporting for Measure FF spending, we recommend the Fire Department work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This should include assessing the feasibility of automated reporting on Measure FF spending. To improve internal processes for hiring retirees, we recommend Human Resources complete the revision of the City's policy for retiree employment. Finally, to better track use of Measure FF funds, we recommend the Fire Department resume regular reporting on defensible space inspections and develop performance measures. The Fire Department, City Manager, and Human Resources agreed with the recommendations.



BERKELEY CITY AUDITOR

For the full report, visit:  
<https://berkeleyca.gov/your-government/city-audits>

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| Page 9  | Measure FF transactions followed city procedures but there were some limitations in internal processes and reporting. |
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| Page 16 | Methodology, Scope, and Statement of Compliance                                                                       |

## Introduction

Our office aims to conduct periodic assessments of ballot measure funds to ensure that the spending of public funds is aligned with the intended use. The fire chief encouraged our work on this audit. Ensuring that the City spends Measure FF funds in accordance with the ballot measure and city code is a priority because the tax is intended to address critical public safety concerns in Berkeley. These include increased fire risk associated with climate change, a growing demand for emergency medical services, and an organizational mission that has expanded and requires more education, training, and equipment. Additionally, after Measure FF passed in November 2020, the Fire Department was under pressure from responding to the COVID-19 pandemic while experiencing significant recruitment and retention challenges and changes in leadership. These factors placed strain on the Fire Department's roll out of Measure FF programs and increased risk for misuse of funds.

Our objectives were to determine:

- Did Measure FF spending align with the ballot measure and city code?
- Are there adequate internal processes in place to ensure that Measure FF funds are used as intended?

To address these objectives, we examined Measure FF spending in fiscal years 2022 and 2023. We reviewed a broad sample of transactions and staffing costs to determine whether they aligned with the provisions of the tax measure. We specifically assessed internal controls to prevent fraud, waste, and abuse, including those related to purchasing policies and the City's salary schedule. While we evaluated Measure FF spending areas, our scope did not include an in-depth evaluation of all programs funded through Measure FF.

## Background

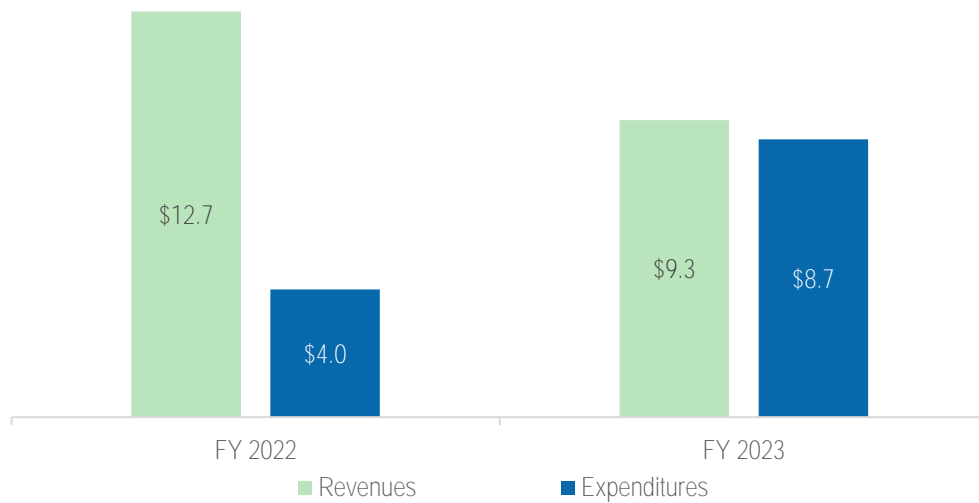
Measure FF is a special tax dedicated to funding firefighter and emergency medical response, upgrades to the 9-1-1 dispatch system, hazard mitigation, and wildfire prevention and preparedness activities. In November

Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes

2020, 74.2 percent of Berkeley voters passed Measure FF which authorized a special parcel tax of 10.47 cents per square foot of improvements for each parcel of real property in the City of Berkeley. The Measure FF tax increased to 11.26 cents in fiscal year 2023.

The City collected \$12.7 million in Measure FF revenues in fiscal year 2022 and \$9.3 million in revenues in fiscal year 2023.<sup>1</sup> Measure FF expenditures were \$4.0 million in fiscal year 2022 and \$8.7 million in fiscal year 2023 (see Figure 1).

**Figure 1. Measure FF Revenues and Expenditures by Fiscal Year, in Millions**



Source: Budget Office and Fire Department

<sup>1</sup> Revenues were higher in fiscal year 2022 because the City also billed for the second half of fiscal year 2021, from January 1, 2021 to June 30, 2021.



## Measure FF spending aligned with the ballot measure and city code.

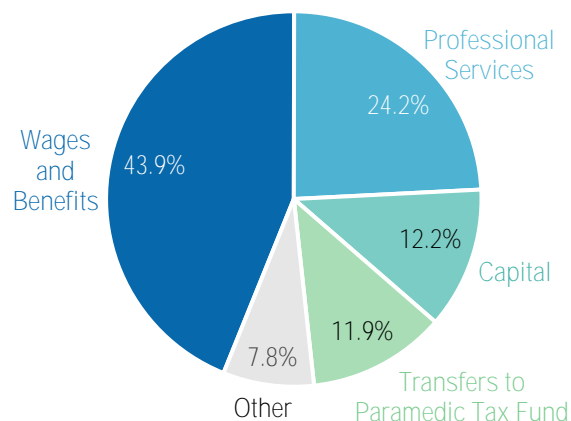
Based on our assessment of spending categories and a sample of individual transactions, the Fire Department spent Measure FF funds in accordance with the Measure FF ballot measure and city code during the audit period of fiscal years 2022 and 2023.

Measure FF broadly funds firefighter and emergency medical response and wildfire prevention. Measure FF was codified in Berkeley's municipal code (BMC) Chapter 7.83. The proceeds of the tax are placed in a special fund. We found that Measure FF funds were used according to the ballot measure language and the BMC Chapter 7.83 for the following public safety purposes:

1. Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities;
2. Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching; and
3. Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

The top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund (see Figure 2).

**Figure 2. Measure FF Spending by Category, Fiscal Years 2022 and 2023**



Source: Berkeley's financial management system

Note: Other includes supplies, non-capital, and internal services.

See a description of the spending categories below.

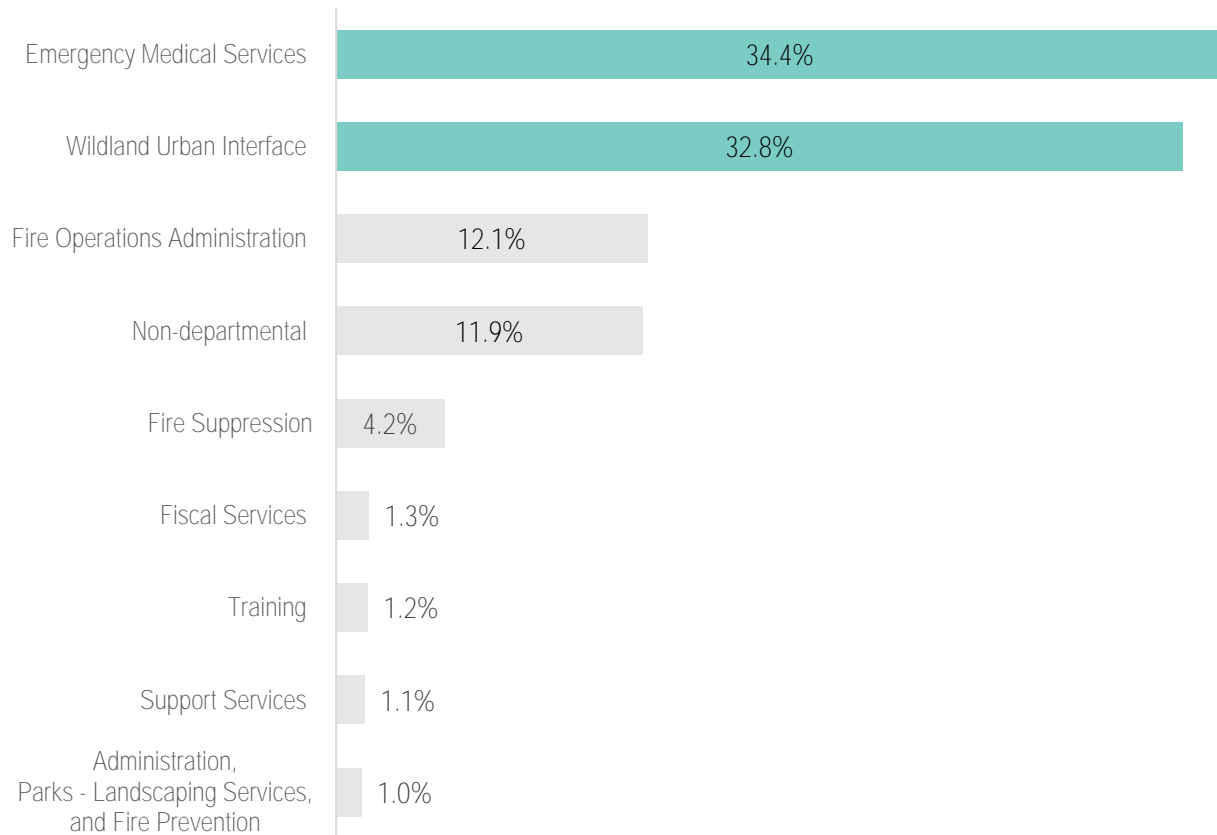
- **Wages and benefits.** Proceeds from the Measure FF tax funded 133 employees in fiscal years 2022 and 2023. This included 40 employees who were fully funded through Measure FF and 93 employees who were partially funded through Measure FF.<sup>2</sup> Fully funded positions included retired annuitants (retirees), paramedics, assistant fire chiefs, fire prevention inspectors, and administrative staff.
- **Professional services.** Purchases in this category included staffing and project management support and contracted subject matter experts in wildland fire management, emergency medical dispatch, Fire Department deployment and staffing, and architectural design services.
- **Capital.** Purchases in this category included trucks, ambulances, training equipment, and curb painting and road signage for the Safe Passages program.
- **Transfers to the Paramedic Tax Fund.** Transfers were made on a quarterly basis to cover an ongoing structural deficit in the Paramedic Tax Fund for emergency medical services.<sup>3</sup>
- **Other.** Purchases in this category included spending on supplies, non-capital (e.g., items such as computers, monitors, cameras), and internal services.

Looking at the distribution of Measure FF funds across program areas, the majority of funds were allocated to Emergency Medical Services (34.4 percent) and Wildland Urban Interface (32.8 percent). See Figure 3 for a breakdown by program area.

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<sup>2</sup> The Fire Department paid staff in designated Measure FF programs and activities, and also used Measure FF funds to cover overtime or compensatory time earned by employees whose pay and benefits were primarily covered by other funding sources during the audit period.

<sup>3</sup> The Fire Department transferred \$757,925 to the Paramedic Tax Fund in fiscal years 2022 and 2023 to help balance the fund.

**Figure 3. Measure FF Spending by Program Area, Fiscal Years 2022 and 2023**

Source: Berkeley's financial management system

Note: Non-departmental represents the transfer to the Paramedic Tax Fund. Parks - Landscaping Services refers to assistance with the removal of hazardous fire fuel.

Measure FF funds have allowed the Fire Department to accomplish a number of outcomes, including those highlighted below.

#### Local Fire and Emergency Medical Response:

- The Fire Department worked with a consultant to complete a standards of coverage analysis which included an assessment of resources within the department to determine if the City's deployment model is meeting national standards for call processing and response times.
- The Fire Department restructured its staffing by developing two new job classifications to staff ambulances: emergency medical technician (EMT) and paramedic. These new classifications allow the Fire Department to add additional ambulances and staff at a lower cost and recruit from a broader applicant pool. The paramedic classification is operational within the Fire Department and the full

transition is expected to be completed by July 1, 2025. The Fire Department has not yet recruited for the entry level EMT classification due to a lack of facility space.

- The Fire Department worked with a consultant to complete a fire facilities master plan which includes a roadmap for future facilities improvements.
- The Fire Department created a new standalone Training Division to meet training and education requirements. The Fire Department also created a separate Emergency Medical Services Division to more efficiently run emergency medical calls for service.

#### Upgrading and Modernizing the 9-1-1 Dispatch System:

- The Fire Department worked with a consultant to complete a dispatch needs assessment. The Fire Department is currently reviewing the recommendations of the study, which found that substantial investments are needed to provide modern fire and EMS dispatch services. According to the Fire Department, these needs exceed current Measure FF funding availability.

#### Wildfire Prevention and Preparedness Activities:

- The Fire Department created a new Wildland Urban Interface (WUI) Division to focus on the significant wildfire risk that faces the community.
- The Fire Department worked with a consultant and multiple stakeholders to develop the City's community wildfire protection plan, which sets goals for improving Berkeley's wildfire response.
- The Fire Department expanded the defensible space inspection program to all of fire zones 2 and 3 in Berkeley's WUI.<sup>4</sup> Properties in fire zones 2 and 3 encompass a geographical area identified in the City's fire code as a very high fire hazard severity zone. The program implemented a new inspection software during the audit period.
- The Fire Department purchased a city-wide outdoor warning system to assist with emergency notifications and is managing the installation.
- The Parks, Recreation, and Waterfront Department transferred the chipping program to the Fire Department. In addition to conducting curbside pickup and providing chipping and disposal of vegetation material from residential properties citywide, the Fire Department modernized the program with new software.

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<sup>4</sup> Defensible space is the buffer created between buildings and the vegetation that surrounds it. Adequate space is needed to slow or stop the spread of wildfire and help protect homes from catching on fire.

## Measure FF transactions followed city procedures but there were some limitations in internal processes and reporting.

We found that non-staff expenditures followed the City's purchasing procedures, but there were some limitations in internal processes and reporting. The Disaster and Fire Safety Commission (DFSC) did not consistently receive detailed information on spending to fulfill their oversight role. However, the new fire chief has worked with the DFSC to provide more detailed expenditure reports. Some retirees funded by Measure FF were hired into classifications that were inconsistent with their assigned duties, which resulted in an inefficient use of funds. To resolve this issue, the new fire chief collaborated with Human Resources (HR) to modify the retirees' positions and pay. HR is currently developing a process to ensure adequate documentation for hiring retirees. Finally, the Fire Department has not consistently reported on the defensible space inspection program and has not defined performance measures.

### The Fire Department followed the City's purchasing procedures.

Our assessment of a sample of transactions for non-staff Measure FF expenditures found that the Fire Department adequately documented purchases and followed the City's purchasing procedures.

### The Fire Department did not consistently provide detailed spending information to the oversight commission due to short-staffing and reporting limitations.

On September 20, 2020, the City Council authorized the Disaster and Fire Safety Commission (DFSC) as the oversight commission for expenditure of Measure FF proceeds. The resolution states that the DFSC may (1) request detailed expenditure plans for tax proceeds annually; (2) make recommendations to the City Manager and the City Council on the expenditure of tax proceeds; and (3) obtain a report on actual expenditures.

In the City's budgets for fiscal years 2022, 2023, and 2024, the Fire Department identified projects and programs that align with the City's strategic plan priorities to be funded through Measure FF. However, in a June 2022 report to City Council, the DFSC cited a need for more detailed and timely expenditure reports and budget information. According to the report, this lack of information impacted the commission's ability to fulfill their oversight role.

According to the Fire Department, the department was unable to pull expenditure reports on Measure FF from ERMA, the City's financial management system, at the level of detail commissioners requested. In a report to City Council, the former fire chief cited limited staff time and multiple conflicting priorities as challenges to

providing detailed expenditure reports requested by the DFSC. The Fire Department has since developed a workaround to manually compile line item spending information for quarterly expenditure reports to the DFSC. However, this process is time-intensive for staff.

Various boards and commissions are charged with an oversight role and make recommendations on tax measure spending in the City of Berkeley. The Fire Department stated that they have considered input from the DFSC on spending priorities and adjusted the budget based on their input, such as increased funding for vegetation management. While our audit scope did not include an assessment of DFSC input on the Measure FF budget, the City does not have clear guidelines on how often spending plans and expenditure reports should be shared with commissions for input. The City has also not established a standard baseline of detail necessary for commissions to fulfill their oversight duties. This lack of standard procedures contributed to unclear expectations between DFSC members and the Fire Department.

Recommendations:

To strengthen reporting on Measure FF spending, we recommend the Fire Department:

- 1.1 Work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This schedule should be aligned with the budget process where appropriate. The Fire Department should consult with the Disaster and Fire Safety Commission to establish a baseline level of detail for spending plans and expenditure reports.
- 1.2 Assess the feasibility of automating detailed reporting on Measure FF spending to the Disaster and Fire Safety Commission to continue providing quarterly expenditure reports without excessive staff time.

### **Internal processes for hiring retirees had limitations, but the City is developing stronger ones.**

Discrepancies in pay for retirees hired back to staff the new WUI Division led to inefficient use of funds. In fiscal year 2022, the Fire Department hired 13 retirees in the roles of assistant fire chief and fire prevention inspector to staff the new WUI Division due to critical staffing shortages and recruitment challenges related to the pandemic. Retirees were paid various rates within the allowable range for the City's retired annuitant classification. However, some of these rates were outside of the salary range for staff in comparable positions. According to the Fire Department, the Department and HR set the retirees' pay based on the positions they retired from instead of the rates for their new roles in the WUI Division. If the Fire Department and HR had

initially hired retirees under positions more closely aligned with the work they performed, the City could have saved nearly \$56,000 in staffing costs, or approximately 1 percent of the total Measure FF staffing cost for fiscal years 2022 and 2023. Our 2023 retention audit reported that HR was facing instability and high vacancy rates at the time it set pay rates for the retirees which may have been a factor.<sup>5</sup>

HR has since addressed the pay discrepancies by adjusting positions and pay rates for retirees paid through Measure FF. This went into effect in December 2022. HR is revising its internal policy for temporary staff, Administrative Regulation (A.R.) 2.2, to include state guidelines for employment of retirees and a form for retirees, hiring departments, Human Resources, and the City Manager to sign off on prior to hiring them. A.R. 2.2 currently provides some guidance for employment of retirees, but does not explicitly advise departments on setting comparable positions or pay to ensure compliance with state employment law. According to HR, the revised A.R. 2.2 is currently undergoing final review.

Recommendations:

To improve internal processes for hiring retirees and ensure that retiree pay aligns with assigned duties, we recommend Human Resources:

- 1.3 Complete revision of A.R. 2.2 to include state requirements for employment of retirees. This should include explicit guidance to set comparable positions and pay for retirees.
- 1.4 Support the above recommendation by finalizing a form for hiring retirees that specifies their comparable position as part of A.R. 2.2. Human Resources should ensure the form prompts departments to clearly specify the comparable position, duties that will be performed, and hourly rate for the comparable position offered to retirees.

### **The Wildland Urban Interface Division did not have a consistent process for reporting on the performance of its inspection program.**

The retiree pay discrepancies impacted inspection services in the WUI Division's defensible space inspection program. The Fire Department and 11 of the 13 retirees working in the WUI Division agreed to cease work from September to December 2022 while HR adjusted their classifications and pay rates in consultation with the California Public Employees' Retirement System (CalPERS). According to the Fire Department, defensible

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<sup>5</sup> Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring: [https://berkeleyca.gov/sites/default/files/documents/Staff%20Shortages%20--%20City%20Services%20Constrained%20by%20Staff%20Retention%20Challenges%20and%20Delayed%20Hiring\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/Staff%20Shortages%20--%20City%20Services%20Constrained%20by%20Staff%20Retention%20Challenges%20and%20Delayed%20Hiring_0.pdf)

space inspections declined during this time from 289 in August 2022 to 64 in November 2022. The Fire Department also stated that the disruption in the inspection cycle caused inefficiencies when retiree inspectors were unable to follow up on properties flagged with violations in a timely manner and had to start the inspection process over upon their return.

The Fire Department has since hired full-time inspectors and interns, and has phased out the retirees that were performing inspections as of June 2023. With these staff, the number of inspections has increased to 1,474 in August 2023.

The Fire Department initially reported the number of inspection violations and re-inspections at monthly DFSC meetings, but the Fire Department stopped reporting after August 2022. According to the Fire Department, the WUI Division aimed to complete at least 8,600 inspections annually, but the defensible space inspection program did not define performance measures, including to ensure violations were resolved. Defining performance measures that track progress toward goals would help the public better understand the use of Measure FF funds in this program area. The WUI Division recently implemented a new inspection software with advanced analytical tools that can provide performance reports.

Recommendations:

To better track use of Measure FF funds, we recommend the Fire Department:

- 1.5 Resume regular reporting on defensible space inspections, for example to the Disaster and Fire Safety Commission.
- 1.6 Support the above recommendation by developing performance measures for the defensible space inspection program and using the new inspection software to track and report on these measures.



## Recommendations and Management Response

We provided a draft of this report to city management and HR for review and comment. City management agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. The department provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow up process after the audit is issued. We have not yet confirmed to what extent the recommendations have been implemented prior to the audit release date.

- 1.1** To strengthen reporting on Measure FF spending, we recommend the Fire Department work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This schedule should be aligned with the budget process where appropriate. The Fire Department should consult with the Disaster and Fire Safety Commission to establish a baseline level of detail for spending plans and expenditure reports.

Implementation Date: November 2023

Corrective Action Plan: The Department worked with the City Manager and the Disaster Fire & Safety Commission (DFSC) to develop a novel expenditure reporting schedule and format. The Department provides line-item expenditure reports for Measure FF on the following schedule:

- Quarter 1 (July, August, September) report due at November meeting
- Quarter 2 (October, November, December) report due at February meeting
- Quarter 3 (January, February, March) report due at May meeting
- Quarter 4 (April, May, June) report due at October meeting

The Q4 report includes a comprehensive presentation on the work achieved for the prior fiscal year and the planned work for the next fiscal year. The first such annual report was provided to the DFSC in October of 2023 and was met with a positive response from Commissioners.

**1.2** We recommend the Fire Department assess the feasibility of automating detailed reporting on Measure FF spending to the Disaster and Fire Safety Commission to continue providing quarterly expenditure reports without excessive staff time.

Implementation Date: June 30, 2024

Corrective Action Plan: The Department would very much like to automate the expenditure reports and will work with Tyler Technologies to determine to determine if this is technically possible.

**1.3** To improve internal processes for hiring retirees and ensure that retiree pay aligns with assigned duties, we recommend Human Resources complete revision of A.R. 2.2 to include state requirements for employment of retirees. This should include explicit guidance to set comparable positions and pay for retirees.

Implementation Date: December 2023

Corrective Action Plan: Human Resources has already updated A.R. 2.2 to address this recommendation in Attachment B of the A.R., which has been posted **to the City's intranet.**

**1.4** We recommend Human Resources support the above recommendation by finalizing a form for hiring retirees that specifies their comparable position as part of A.R. 2.2. Human Resources should ensure the form prompts departments to clearly specify the comparable position, duties that will be performed, and hourly rate for the comparable position offered to retirees.

Implementation Date: December 2023

Corrective Action Plan: Human Resources has already updated the form that accompanies A.R. 2.2. The form includes classification title, salary, and specialized skills of the retired annuitant. Human Resources will align the proposed position and duties with the comparable classification to ensure that the hourly rate for comparable position is offered to the retired annuitant.

**Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes**

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**1.5** To better track use of Measure FF funds, we recommend the Fire Department resume regular reporting on defensible space inspections, for example to the Disaster and Fire Safety Commission.

Implementation Date: March 2024

Corrective Action Plan: The Department will begin to include data on the Defensible Space Inspection (DSI) program beginning with the DFSC meeting in March 2024.

**1.6** We recommend the Fire Department support the above recommendation by developing performance measures for the defensible space inspection program and using the new inspection software to track and report on these measures.

Implementation Date: March 1, 2024

Corrective Action Plan: The Department will develop performance measures for the Defensible Space Inspection (DSI) program that can be publicly reported.

## Methodology, Scope, and Statement of Compliance

We audited the Fire Department's use of Measure FF tax funds during fiscal years 2022 and 2023. To address our audit objectives, we evaluated personnel and non-personnel expenditures from July 2021 to June 2023.

We reviewed a sample of a combination of judgmentally and randomly selected non-personnel transactions for alignment with the use provisions of the tax measure and to identify potential control weaknesses, including risks related to fraud, waste and abuse. We did this by tracing individual expenditures within our sample to invoices, checks and contracts, where applicable. We also reviewed personnel spending to determine whether staff spending aligned with the use provisions of the tax measure. We analyzed a subset of personnel transactions to assess the Fire Department's internal controls for waste or misuse of funds. We did this by tracing staff pay rates to the City's salary schedules.

We analyzed data from ERMA, the City's financial management system.

- We compiled and analyzed a sample of individual transactions from July 2021 to April 2023. July 31, 2021 is when the first non-personnel Measure FF transaction was made and April 12, 2023 was the cutoff date for our analysis of individual transactions.
- We analyzed spending categories for FY 2022 and FY 2023, including personnel and non-personnel spending.
- We analyzed data from ERMA's payroll module from September 2021 to June 2023. September 24, 2021 is when the first paycheck was issued using Measure FF funds. June 2, 2023 is the cutoff date for the payroll data we reviewed.

We reviewed:

- Berkeley Municipal Code
- Measure FF Ballot Measure
- Disaster and Fire Safety Commission agendas and reports
- Staff reports to City Council
- Fire Department policies, procedures, and internal staffing documents
- City's Purchasing Manual
- Fire Department's Purchasing Process
- City Council resolutions
- Human Resources' policy for temporary employees (A.R. 2.2) and internal hiring documentation
- Data on Wildland Urban Interface (WUI) vegetation inspections

We interviewed staff in the Fire Department, Finance Department, Human Resources Department, the Budget Office and the City Attorney's Office. Additionally, we interviewed some members of the Disaster and Fire Safety Commission.

### Data Reliability

We assessed the reliability of ERMA data by reviewing it for completeness, appropriateness, and consistency. We determined that ERMA data is reliable for the audit's purpose. We determined the reliability of ERMA data by interviewing data owners and performing logic testing on the data.

### Independence

Payroll Audit is a Division of the City Auditor's Office. To reduce the threat to our independence, we limited our work to exclude areas overseen by our office. While City Charter Section 61 charges our office with the oversight of the Payroll Audit Division, this division does not assess the accuracy of rates paid to retirees. We limited our review of individual staff pay to retirees. We also selected data from closed payroll periods that were in read-only status.

We relied on previous consultations with representatives from the U.S. Government Accountability Office to assess the safeguards we put in place. Based on this, we determined that the safeguards mentioned above reduced the identified threats to our independence to an acceptable level to proceed with the audit.

### Statement of Compliance

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Audit Team**

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<https://berkeleyca.gov/your-government/city-audits/city-auditor-reports>

Cover photographs provided by City of Berkeley



BERKELEY CITY AUDITOR



Office of the Mayor

CONSENT CALENDAR

December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín

Subject: Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees

RECOMMENDATION

Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2026.

BACKGROUND

Each city in Alameda County is required to appoint a resident to the Alameda County Mosquito Abatement District Board of Trustees. This term lasts for two years. The District has recently notified the City that Dr. P. Robert Beatty's term is expiring at the beginning of 2024.

Dr. Beatty has served as Berkeley's representative on the Board since April 2016. Dr. Beatty is one of fourteen members of the Board. As an infectious disease immunologist, Dr. Beatty has studied mosquitoes worldwide and provided invaluable expertise and information to the Board on dengue, Zika and other mosquito borne diseases. He has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley.

FINANCIAL IMPLICATIONS

None for the City of Berkeley. Trustees receive a stipend of \$100 per month paid for by the Alameda County Mosquito Abatement District.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

REAPPOINTING DR. P. ROBERT BEATTY AS THE CITY OF BERKELEY'S REPRESENTATIVE TO THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

WHEREAS, Dr. P. Robert Beatty has served on the Board of Trustees of the Alameda County Mosquito Abatement District since 2016; and

WHEREAS, Dr. Beatty is an infectious disease immunologist who has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley; and

WHEREAS, during his term on the Board of Trustees, Dr. Beatty has provided invaluable expertise and information to the Board on Zika and other mosquito borne diseases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Dr. P. Robert Beatty is hereby reappointed as the City of Berkeley's representative to the Alameda County Mosquito Abatement District Board of Trustees for the term commencing on January 1, 2024 ending January 1, 2026.





Office of the Mayor

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Susan Wengraf (Co-Sponsor), and Councilmember Sophie Hahn (Co-Sponsor)

Subject: The Right to Reproductive Freedom

RECOMMENDATION

Adopt a Resolution affirming the City of Berkeley's support to protecting the rights of those seeking reproductive care, receiving and offering reproductive care and abortion services, and deciding on their own bodily autonomy relating to their reproduction.

Refer to the City Manager to draft an ordinance that directs City agents and employees to ensure access to abortion sites and ensure access to information related to abortion access, including posting information about reproductive health on City property, as consistent with state and federal law.

BACKGROUND

The City of Berkeley has a well-established record of supporting women's rights<sup>1</sup>, reproductive health<sup>2</sup>, and creating a place for those in search of relief, support and care from their home communities.

In 1985, the City of Berkeley adopted a resolution in support of Roe v. Wade<sup>3</sup> and has reaffirmed that support annually. The City has continually endorsed state and federal legislation protecting and advancing reproductive rights, access to health care, and funds for preventative health care services.

Berkeley was the first U.S. city to become a sanctuary city, passing a resolution in 1971 to protect sailors resisting the Vietnam War<sup>4</sup>. On November 29, 2016, as attacks on the undocumented immigrant community rose, the City of Berkeley reaffirmed its status as

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<sup>1</sup> See Ordinance No. 7,224-N.S., adding Chapter 13.20 to the Berkeley Municipal Code Adopting the Operative Principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

<sup>2</sup> See Resolution No. 70,069-N.S.

<sup>3</sup> See Resolution No. 52, 558-N.S.

<sup>4</sup> See Resolution No. 44,784-N.S.

a sanctuary city<sup>5</sup>. On January 21, 2020, the City passed a resolution<sup>6</sup> to call on Congress to implement a new framework that expands public safety and protects human rights in border communities. There is existing precedent to continue the protections of our residents and visitors to meet the vulnerabilities of a changing social and political landscape.

### CURRENT SITUATION AND ITS EFFECTS

On June 24, 2022, the U.S. Supreme Court published their decision to overturn *Roe v. Wade*, rolling back the decades-long constitutional right to abortion. Without the highest court's protection for a right to choose, states have become the arbiters of a person's right to an abortion, effectively criminalizing abortion, threatening a person's bodily autonomy, limiting reproductive freedom, and restricting access to safe abortion care for millions.

Across the nation, multiple trends in State abortion laws have surfaced. 20 states have near-total abortion bans during any point in pregnancy or restrictions relative to when an abortion procedure can occur during pregnancy. With 25 states having created or expanded legal protections for abortion care, persons may be motivated to travel upwards of hundreds of miles to receive the care they seek in these states.

Abortion bans, in particular, disproportionately affect marginalized groups, with existing factors making them more likely to be uninsured or underinsured, causing abortion care, and the travel to receive care, to become considerably more expensive for these individuals. Additionally, the federal Hyde Amendment, an add-on to an approved congressional appropriations bill prohibiting federal funds from being used to pay for abortion care, disproportionately affects low-income people, and further restricts their access to abortion<sup>7</sup>. As such, millions enrolled in Medicaid do not receive coverage for their abortions, encouraging them to continue their pregnancies to term despite their desire for a different outcome. As 1 in 3 adults under the age of 65 on Medicaid has a disability, the federal Hyde restriction disproportionately keeps low-income people with disabilities from getting the abortion care they need<sup>8</sup>. States with the highest proportions of Black, Hispanic and Indigenous people, namely those from the South and Midwest, are more likely to have banned or attempted to ban abortion after the SCOTUS overturning *Roe v. Wade*<sup>9</sup>. Female-identifying persons are at a higher risk of health

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<sup>5</sup> See Resolution 67,763-N.S. Reaffirming Berkeley's Status as a City of Refuge. This was further refined with Resolution 68, 131-N.S. Amending of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement.

<sup>6</sup> See Resolution No. 69,269-N.S. Condemning Trumps Illegal Assassinations and Act of War

<sup>7</sup> See: Maggie Jo Buchanan and Tracy Weitz, "Hyde's Restrictions on Abortion Are Unacceptable," Center for American Progress, August 5, 2022, available at <https://www.americanprogress.org/article/hydes-restrictions-on-abortion-are-unacceptable/>.

<sup>8</sup> See: Emily DiMatteo and others, "Reproductive Justice for Disabled Women: Ending Systemic Discrimination" (Washington: Center for American Progress, 2022), available at <https://www.americanprogress.org/article/reproductive-justice-for-disabled-women-ending-systemic-discrimination/>.

<sup>9</sup> See: Katherine Gallagher Robbins and Shaina Goodman, "State Abortion Bans Could Harm Nearly 15 Million Women of Color" (Washington: National Partnership for Women and Families, 2022), available at <https://nationalpartnership.org/report/state-abortion-bans-harm-woc/>.

complications, pregnancy-related morbidity, and even death in states with abortion bans<sup>1011</sup>, demonstrating a lack of attention on systemic issues that cause gender-based harm and violence towards those who can get pregnant. Numerous legal battles are playing out across the country's courthouses as a result of these bans<sup>12</sup>.

Studies<sup>13</sup> show substantial increases in abortions in states bordering those states where abortion has been banned, with significant numbers of residents from states with bans traveling to neighboring states for abortion care. However, many healthcare professionals have become reluctant to help patients who travel from out-of-state for fear of litigation, threat to their medical license, or malicious persecution. Further, medical providers that honor their patients' personal decisions regarding their reproductive freedom and bodily autonomy can often receive death threats, challenging their ability to provide essential services.

These findings demonstrate that all aspects of abortion infrastructure – including facilities, funds and support networks – require sustained support to serve increased patient caseloads<sup>14</sup>. Increased privacy protections, legal protections, and resourcing can help increase the capacity of these service providers receiving an onslaught of care seekers.

Data sourced from our ever-present online lives—such as from applications that track a user's location, period-tracking applications, and social media platforms—can serve as evidence in lawsuits brought against both abortion patients and providers<sup>15</sup>. A general lack of cyber privacy protections, coupled with the increasing ubiquity of AI, threatens to exacerbate this risk. Without expanded protections, healthcare providers and those seeking abortion services in Berkeley, could have their location data collected and analyzed to determine whether they engaged in the delivery of abortion care.

The U.S. House of Representatives sought to increase protections for those crossing state lines through the passage of H.R. 8297<sup>16</sup>, prohibiting state officials from interfering with a person's ability to access an abortion, regardless of whether the patient lives out-of-state. While this bill was passed by the House on July 15, 2022, it did not pass the

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<sup>10</sup> See: Cecelia Lenzen, "Facing higher teen pregnancy and maternal mortality rates, Black women will largely bear the brunt of abortion limits," *The Texas Tribune*, June 30, 2022, available at <https://www.texastribune.org/2022/06/30/texas-abortion-black-women/>.

<sup>11</sup> See: Eugene Declercq and others, "The U.S. Maternal Health Divide: The Limited Maternal Health Services and Worse Outcomes of States Proposing New Abortion Restrictions," *The Commonwealth Fund*, December 14, 2022, available at <https://www.commonwealthfund.org/publications/issue-briefs/2022/dec/us-maternal-health-divide-limited-services-worse-outcomes>.

<sup>12</sup> Mother and daughter in Nebraska were both charged with violating their state's abortion law, with the mother sentenced to two years in prison and her 17-year-old daughter to 90 days in jail. See: <https://www.nytimes.com/2023/09/22/us/jessica-burgess-abortion-pill-nebraska.html>

<sup>13</sup> See Guttmacher Institute: <https://www.guttmacher.org/2023/09/new-state-abortion-data-indicate-widespread-travel-care>.

<sup>14</sup> IBID.

<sup>15</sup> See NPR: <https://www.npr.org/2021/09/19/1038717122/a-texas-doctor-says-he-defied-the-abortion-law-risking-lawsuits>

<sup>16</sup> Source: U.S. Congress, [www.congress.gov/117/bills/hr8297/BILLS-117hr8297ih.pdf](http://www.congress.gov/117/bills/hr8297/BILLS-117hr8297ih.pdf)

Senate. H.R. 12, The Women's Health Protection Act of 2023<sup>17</sup>, was re-introduced<sup>18</sup> on March 30, 2023, prohibiting governmental restrictions on the provision of, and access to, abortion services, and is awaiting further action by the Senate.

In California, AB 1242<sup>19</sup>, authored by Assemblymember Rebecca Bauer-Kahan and signed into law by Governor Newsom on September 27, 2022, now requires out-of-state law enforcement agencies seeking data or records from California businesses to attest their investigation does not involve any crime related to an abortion that is legal under California law. Under AB 1242, state or local public agencies are effectively prohibited from cooperating with or providing information regarding a lawful abortion to an individual or agency from another state or a federal law enforcement agency.

Furthermore, in California, SB 345<sup>20</sup>, authored by Senator Skinner and signed into law by Governor Newsom on September 27, 2023, created a comprehensive shield law that provides legal protections for California healthcare professionals who provide or dispense medication, abortion, or contraception care to their patients who live in states where such care is illegal. Under SB 345, people who have traveled to or live in a state that has criminalized abortion will be able to receive treatment by a California healthcare provider via telehealth or videoconferencing, and have medication shipped to them from a participating California pharmacy. As long as they are physically in California, healthcare providers and pharmacies will receive legal protections from criminal and civil actions initiated in another state. In addition, SB 345 bars California-based social media and tech companies from disclosing to law enforcement any private communications of patients regarding healthcare that is otherwise legally protected in our state.

When compared to a six-month period in 2020<sup>21</sup>, over 13,240 (20%) additional abortions were performed in California between January to June 2023.<sup>22</sup> In August 2023, healthcare providers provided an estimated 88,400 procedures across the nation, with approximately 15,700 (17%) taking place in California.<sup>23</sup>

From 2020 to 2023, 568 residents from Berkeley received care from Planned Parenthood's Mar Monte site<sup>24</sup>, located nearly 50 miles away. These patients received a spectrum of services and treatment, including abortion, behavioral health, contraception, family medicine, gender-affirming care, pregnancy, STI treatment and testing, and general wellness care. Those from Berkeley who received care from Mar Monte include cisgender men, cisgender women, non-binary people, transgender men,

<sup>17</sup> Source: U.S. Congress, [www.congress.gov/118/bills/hr12/BILLS-118hr12ih.pdf](https://www.congress.gov/118/bills/hr12/BILLS-118hr12ih.pdf)

<sup>18</sup> Earlier versions introduced but failing to pass both Senate and House include: H.R. 8296 (117th) following the SCOTUS ruling, and H.R. 3755 (117th), shortly before the SCOTUS ruling.

<sup>19</sup> See AB 1242: [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1242](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1242)

<sup>20</sup> See SB 345: [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB345](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB345)

<sup>21</sup> 2020 was the Guttmacher Institute's most recent Abortion Provider Census, used as a comprehensive point in time count

<sup>22</sup> Via formal U.S. healthcare systems. Source: Guttmacher Institute. <https://www.guttmacher.org/monthly-abortion-provision-study>.

<sup>23</sup> IBID.

<sup>24</sup> Source: Planned Parenthood, using data provided through patient addresses.

and transgender women, with the majority being cisgender women<sup>25</sup>. Most patients seen from Berkeley were Black, Pacific Islander and White<sup>26</sup>, with more than 80% of them living under 100% of the federal poverty line<sup>27</sup>. Nearly 60% of the patients were between the ages of 20-29. Abortion services are essential to providing comprehensive healthcare, allowing people the ability to participate equally in making the best health, economic, and social decisions for themselves. Abortion access requires the acknowledgement of full autonomy for a person to make their own decisions about their pregnancies, their families, and their own lives.

Despite the current lack of abortion facilities in Berkeley, the need to protect those seeking to fulfill their reproductive freedom and exercise bodily autonomy is ever present. Berkeley will never wane from its history of providing safety and sanctuary for all its residents and visitors. This resolution will take another step in providing protections and security for those in pursuit of reproductive freedom and bodily autonomy.

#### RATIONALE FOR IMPLEMENTATION

Without expanded protections, the City's residents, healthcare workers and visitors may be threatened by litigation in pursuit of fulfilling their right to reproductive freedom and privacy.

The City should continue its legacy of protecting those who are vulnerable to persecution, fulfilling the human rights of its residents and visitors, and promote reproductive freedom and right to choose what to do to their body and when to carry a pregnancy to term.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL, SUSTAINABILITY AND CLIMATE IMPACTS

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

#### CONTACT PERSON

Mayor Jesse Arreguín

510-981-7100

Anthony Rodriguez, Senior Legislative Assistant

#### Attachments:

1: Resolution

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<sup>25</sup> Self-identified.

<sup>26</sup> Self-identified.

<sup>27</sup> Self-identified.

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

RIGHT TO REPRODUCTIVE FREEDOM

WHEREAS, the Supreme Court's 2022 decision to overturn *Roe v. Wade* threatens a person's bodily autonomy and pursuit of reproductive freedom; and

WHEREAS, without the highest court's protection for a right to choose, states have become the arbiters of a person's right to an abortion, effectively criminalizing abortion and restricting access to safe abortion care for millions; and

WHEREAS, 20 states have near-total bans during any point in pregnancy, including restricting access to abortion care, and another 25 states have created or expanded their legal protections for abortion care among its residents and visitors; and

WHEREAS, studies show substantial increases in abortions in states bordering those with abortion restrictions, adding strain to the existing abortion care infrastructure; and

WHEREAS, abortion bans disproportionately affect marginalized groups, including low-income people, those receiving Medicaid, those with disabilities, Black, Hispanic and Indigenous people, and female-identifying persons; and

WHEREAS, abortion bans cause gender-based harm and violence towards those who are of child-bearing age; and

WHEREAS, the City of Berkeley acknowledges healthcare providers are vulnerable by the politicization of the care and services they provide for others, facing lawsuits, threats to their lives and the lives of their loved ones, and provocations undermining their integrity and ability to provide care; and

WHEREAS, many speculate the influence of AI and software in mobile applications that track a user's whereabouts can collect data that may be used to bring lawsuits against patients and healthcare providers fulfilling the right to abortion and reproductive care; and

WHEREAS, the U.S. House of Representatives has made multiple attempts to protect residents crossing state lines through H.R.8297 and H.R. 12; and

WHEREAS, the City of Berkeley acknowledges the significant progress the State has made to provide protections to those seeking and providing abortion services through the passage of AB 1242 and SB 345; and

WHEREAS, California has experienced an increase in abortions performed in the state since 2022 with over 17% of all abortions across the nation being conducted within California in the month of August; and

WHEREAS, nearly 600 Berkeley residents receive care from Planned Parenthood's Mar Monte site, treating a spectrum of gender identities, with the majority of patients identifying as Black, Pacific Islander or White, low-income, and within the ages of 20-29; and

WHEREAS, the City of Berkeley declares abortion services are an essential component of comprehensive healthcare, as they both allow individuals to make the best health, economic and social decisions for themselves and honor an individual's full autonomy to make their own decisions regarding their own pregnancies, their families and their bodies; and

WHEREAS, despite a lack of abortion facilities in the City of Berkeley, the need to protect those seeking to fulfill their reproductive freedom and exercise bodily autonomy is ever-present; and

WHEREAS, the City of Berkeley has a well-established record of supporting women's rights, reproductive health, and creating a place for those in search of relief, support and care; and

WHEREAS, the City of Berkeley was the first U.S. city to become a sanctuary city, and continues to be a haven for those in search of health, freedom and safety; and

WHEREAS, the City of Berkeley believes greater protections are needed for vulnerable groups crossing state lines to seek health care and family planning services, and exercising their right to privacy; and

WHEREAS, the City of Berkeley believes healthcare professionals have a right to dispense legal medical care, to not feel threatened for offering and providing abortion services, and deserve their right to privacy.

NOW THEREFORE BE IT RESOLVED by the City Council that it affirms a person's rights to reproductive freedom and privacy, and supports those seeking abortion care by:

1. Directing City agents and employees to ensure access to information related to abortion access, including posting information about reproductive health on City property.
2. Directing City agents and employees to immediately report any communication from out-of-state groups or government agencies, including requests for documents or warrants served to their site director or supervisor. The site director or supervisor must immediately notify the Department Director who must in turn immediately consult with the City Attorney about the appropriate course of action. .

3. Suggest keeping list of proposed City actions in similar format, i.e.: Directing City Agents and employees to refer City residents who inquire about their right to reproductive freedoms to local reproductive and gender rights organizations. A list of such organizations shall be compiled and then disseminated to relevant City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing prosecution or other adverse out-of-state actions.

BE IT FURTHER RESOLVED that the City of Berkeley will support a person's safety, in particular women of child-bearing age, maintaining their right to dictate their own health.

BE IT FURTHER RESOLVED that the City of Berkeley finds that reproductive justice, gender equality, gender equity, and bodily autonomy should be protected and reinforced, as a person's right to make decisions with regards to their own body is a matter of personal liberty and freedom.

BE IT FURTHER RESOLVED that the Council shall instruct the City Clerk to transmit copies of this resolution including any future amendments thereto that shall be made, to every department, agency and commission and employee of the City of Berkeley.





Office of the Mayor

CONSENT CALENDAR  
December 12, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin

Subject: Adjustment to City Attorney Salary Range and Revised Salary

RECOMMENDATION

Adopt a resolution to approve (1) increasing the top of the City Attorney salary range to \$360,000 annually and (2) revising City Attorney Farimah Brown's annual salary to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.

FISCAL IMPACT

The recommendation marks an increase in the City Attorney's compensation from \$313,408.42 to \$336,000.00, which will be funded by the General Fund.

CURRENT SITUATION AND ITS EFFECTS

Both the adjustment to the City Attorney's salary range, as well as the revised salary for Ms. Brown, follow an extensive evaluation of the City Attorney's job performance conducted by the City Council, in conjunction with an outside consultant, Boucher Law, PC.

The evaluation included a salary survey which revealed that the midpoint of the City Attorney salary lagged behind that of comparable jurisdictions by nearly 25%. The proposed adjustment to the salary range seeks to rectify that lag and to keep the position competitive in the market, while the revision to Ms. Brown's salary recognizes the caliber of her performance in the City Attorney role.

BACKGROUND

Boucher Law, PC, was selected as the firm to assist with the City Attorney evaluation following outreach by the Human Resources Department to several firms inviting them to bid for the consultancy. Mr. Boucher's firm was selected due to his licensed status as

an attorney, as well as his former experience as an HR Director.

The evaluation, which was conducted over several months, included a broad survey of City Attorney compensation among surrounding agencies including Alameda County, City of Concord, Contra Costa County, City of Fremont, City of Hayward, City of Oakland, City of Palo Alto, City of Richmond, City and County of San Francisco, City of San Jose, San Mateo County, and Santa Clara County. The survey revealed that the City of Berkeley ranked 12<sup>th</sup> out of 13 agencies when salary midpoints were compared and lagged behind the median by 24.88%.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONAL FOR RECOMMENDATION

A salary survey highlighted the need to modify the City Attorney salary range in order to make it competitive in comparable markets. The positive outcomes of a lengthy and thorough performance evaluation supported an upward revision to Ms. Brown's salary.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jesse Arreguin, Mayor      510-981-7100

ATTACHMENTS

1. Resolution

Adjustment to City Attorney Salary Range and Revised Salary

CONSENT CALENDAR  
December 12, 2023

RESOLUTION NO. xxxxx - N.S.

ADJUSTMENT TO CITY ATTORNEY SALARY RANGE AND REVISED SALARY

WHEREAS, the City Council conducted an extensive evaluation of the City Attorney's job performance in conjunction with an outside consultant; and

WHEREAS, the evaluation included a salary survey which revealed that the midpoint of the City Attorney salary lagged behind that of comparable jurisdictions by nearly 25%; and

WHEREAS, an adjustment to the City Attorney's salary range is necessary to keep the position competitive in the market; and

WHEREAS, the Council positively evaluated Farimah Brown's performance in the City Attorney role.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (1) the top of the City Attorney salary range is increased to \$360,000 annually and (2) City Attorney Farimah Brown's annual salary is increased to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.





CONSENT CALENDAR  
Dec. 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Taplin, Councilmember Hahn, and Councilmember Harrison  
 Subject: Waterside Workshops Winter Festival and Kids Bike Giveaway: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the Waterside Workshops Winter Festival and Kids Bike Giveaway.

FINANCIAL IMPLICATIONS

No General Fund impact. \$200 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND

Waterside Workshops is hosting its annual Winter Festival and Kids Bike Giveaway event on Saturday, December 9. Each year, in collaboration with community partners, Waterside Workshops donates around 250 refurbished bikes, helmets, lights, and locks to Bay Area families and individuals.

This year, Waterside Workshops has set a goal to donate over 100 kids' bikes during the month of December. To achieve this goal, the organization is hosting a Winter Festival on December 9 at their facility at 84 Bolivar Drive in Berkeley that will include a large-scale bike giveaway. The event is open to all members of the public.

Waterside Workshops' bike giveaway programs prioritize increasing bike access for marginalized communities impacted by systemic inequalities, including:

- Low-income households
- Black, Indigenous, and People of Color
- Immigrants and refugees
- Unhoused families and individuals
- Women, transgender, and gender expansive individuals

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Waterside Workshops

CONSENT CALENDAR  
Dec 12, 2023

Attachments:  
1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a California non-profit tax exempt corporation Waterside Workshops seeks funds in the amount of \$200 to provide the following public services: Winter Festival and Kids Bike Giveaway; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: providing bicycles and equipment to children in vulnerable communities;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 amount per office shall be granted to Waterside Workshops to support the Winter Festival and Kids Bike Giveaway.







CONSENT CALENDAR

Dec. 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison, and Vice Mayor Bartlett (co-authors)

Subject: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

RECOMMENDATION

Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #1 (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.

POLICY COMMITTEE RECOMMENDATION

On November 16, 2023, the Budget & Finance Committee adopted the following action: M/S/C (Arreguín/Kesarwani) to forward the item as revised to the City Council with a positive recommendation. Vote: Ayes – Kesarwani, Arreguin; Noes – None; Abstain – None; Absent - Harrison.

CURRENT SITUATION AND ITS EFFECTS

*This item reiterates with modifications a 2022 referral from Councilmember Bartlett's office for 2 FTE per office that was funded in part at 1.5 FTE and only delayed structural shortfalls impacting at least four offices.*

As of March of 2023, four of eight Council Offices retain more than one Legislative Assistant, while the Mayor retains four Legislative Assistants in addition to a Chief of Staff. This reflects the trend over the last two decades of an increase in demand faced by Council Offices for constituent services and legislative policy output. Despite this increase, Council budget policy still assumes a staff level fixed at one Legislative Assistant per Council Office, though recent adjustments provide for budgeting the Mayor's Office at actual staff costs.

Following the 2019 unionization of Legislative Assistants with the SEIU 1021 Community Services & Part-Time Recreation Leaders Association Chapter. The City officially ratified a contract with the new unit on June 15, 2021 that, among other things, provided an increased hourly wage for Legislative Assistants more closely commensurate with internal comparators as determined by a 2006 report from the City

Manager, and placed Legislative Assistants on a salary schedule based on annual steps like other unionized positions in the City. After the adoption of the contract, Resolution No. 65.540-N.S. which provided for and regulated Council Office budgets was replaced by Resolution No. 70,054–N.S. This new Resolution adjusted Council budgets to allow for one full-time Legislative Assistant per office under the new agreement but did not account for the reality that half of Council Offices currently have had more than one Legislative Assistant. Because the new contract provides for annual step increases, Council Offices which now use their staff funds to retain two full time Legislative Assistants will be *forced to reduce hours or terminate staff* as they progress through annual steps.

The most recent adjustment to Council staff budgeting policy was made on June 28, 2022, by the unanimous vote to adopt Resolution No. 70,442–N.S. as revised. Revisions included: “Modify the proposed expenditure for the line item entitled “Increase City Council Office Expenditure Accounts” to increase each City Council office expenditure account by \$54,769.50 for FY 2023 and FY 2024, and that the amount is based on .5 FTE in the legislative assistant classification.” This represented a significant improvement over the status quo ante, but did not fully preclude the structural deficits for some Council Office budgets.

## BACKGROUND

Adequately and equitably funding Legislative Assistant positions is critical for achieving the City’s Strategic Plan goal of attracting and retaining a talented and diverse City government workforce.

Legislative Assistants aid with the management of a City Councilmember’s policy initiatives and district projects, write legislation, provide administrative office support, research and analyze policy and legislation, guide constituents in accessing critical public and nonprofit assistance, and may be called upon to represent their Councilmember before constituents, community groups, business interests, city staff and other elected officials.

Until recently, the Mayor, Councilmembers, and their aides have been significantly underpaid as compared to external and internal comparators. However, the population of Berkeley has increased by more than 20,000 since 2000, and active civic participation in matters of both local and national importance has increased significantly.

In 2020, the adoption of Measure JJ by nearly two thirds of Berkeley voters<sup>1</sup> affirmed that residents have high expectations of their local government and that the work required to deliver on those expectations should be compensated fairly and accurately. Measure JJ changed the status of City Councilmembers from part-time to full-time to reflect the increased demands of the position from when it was first created, and

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<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Summary%20Results%20Nov.%202020.pdf>, pg. 3

increased the salary for Councilmember and the Mayor to one sufficient for working class residents to be able to afford to run for office.<sup>2</sup>

Alongside the trend of increased demand on Council Offices for legislative and constituent services, the inauguration of the Council Policy Committee system in 2018 and the transition to full time Council positions in 2020 have both driven an increase in the workload for legislative staff. Half of Council Offices now maintain more than one Legislative Assistant, reflecting that the volume of legislative work per Council Office often exceeds 40 hours of labor per week. There are currently six Council Policy Committees, four interagency committees, and a varying number of Mayoral task forces.<sup>3</sup> Many Councilmembers also sit on regional boards, commissions, working groups and task forces, including, for example, the Association of Bay Area Governments Executive Board, Alameda County Transportation Commission, and the East Bay Community Energy Board of Directors among numerous others.

These committees and other bodies provide vital legislative functions, but also add significant workload in both staffing and preparing for these meetings each week. In addition to two regular meetings a month, Policy Committees have additional special meetings scheduled on an ad hoc basis, especially during the bi-annual budget processes, and additional work conducted by the staff, especially when a Councilmember chairs a Committee. Critically, committee members are now responsible for writing more detailed and comprehensive legislative briefs and memos as well as shepherding amended legislative matters referred from Commissions and other bodies. Due to the enhanced demand for legislative work, full and part-time Legislative Assistants regularly work hours substantially beyond their scheduled appointment.

Over the past two decades, Council has attempted to address Legislative Assistant compensation, resulting in incremental improvement.<sup>4</sup>

In 2006, in recognition of Legislative Assistant salary and classification disparities, the Council passed Resolution No. 63,259-N.S. directing the City Manager to conduct a salary equity study for the City Council Legislative Assistants and report the findings to the Council to include “a comparison with their peers in neighboring jurisdictions...[and] the salary range, qualifications and responsibilities for this job class.”<sup>5</sup>

The resulting 2006 study<sup>6</sup> from the City Manager found that Legislative Assistants were significantly underpaid as compared to external and internal comparators—namely the

<sup>2</sup> <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/2020%20Ballot%20Measures.pdf>, pg. 33

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Committee\\_and\\_Regional\\_Body\\_Appointees.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Committee_and_Regional_Body_Appointees.aspx)

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/documents/SEIU-CSU-Local1021-MOU.pdf>

<sup>5</sup> <https://www.cityofberkeley.info/citycouncil/agenda-committee/2006/packet/041006/2006-04-18%20Draft%20Item%2019%20MOORE%20-%20Salary%20Equity.pdf>

<sup>6</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AQwW5T053smoW4FSgoqqfPzrtx2b5Xydz2Wp12sEq9AYYtJ0JDbJ32ymekuaq6i5xy%C3%89%C3%8117rVEBYmrBFWpzKvwec%3D/>

Assistant Management Analyst in the City Manager's office. The City Manager recommended an increase to Council office salary budgets, at the time \$44,433 excluding benefits, to the minimum salary level of an Assistant Management Analyst (AMA), which would have increased the annual salary allocation by approximately \$10,248 per Council office. In 2015, nearly a decade after the City Manager's study was submitted to Council, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural deficiencies including that Council Offices had to pull from their discretionary budgets "intended for office supplies and other office-related costs" in order to sufficiently fund staff costs.<sup>7</sup> Council ultimately referred an additional \$80,000 total to be split between the 8 Council offices. This increased staff capacity but only to the bottom end of the AMA classification range for one position.

In 2019, the Legislative Assistants across Council and Mayoral offices unionized as part of the SEIU 1021 Community Services & Part-Time Recreation Leaders Association. The contract approved in June 2021<sup>8</sup> provided for a wage step range roughly commensurate with the AMA classification. As part of that range, Legislative Assistants now receive annual pay increases along the established range like other City employees. In order to effectuate the new labor agreement, Council modified the guidelines that regulate Council Office budgets, replacing Resolution No. 65.540-N.S. with Resolution No. 70,054-N.S.<sup>9</sup>

While the wage floor for Legislative Assistants has increased under the contract, historic budget deficiencies persist. Indeed, the current budget policy artificially constrains certain Council appointments to less than full-time appointments in cases where two Legislative Assistants are needed. As a result, offices with multiple Legislative Assistants have to ration one full-time salary between two people, a fraught situation that creates awkward and precarious work schedules, inequitable compensation, burnout, high turnover, less diverse staff, less thorough legislative and constituent services, and the siphoning of office funds intended for supplies and other office-related costs. In addition, since the Legislative Assistant contract now provides for yearly step increases pursuant to favorable performance reviews like most other City positions, the Mayor and Council offices with multiple Legislative Assistants will quickly overshoot their budgets, which were designed for only one Legislative Assistant per office.

The two alternatives considered would address these shortcomings and respond to the change in legislative conditions by providing offices that wish to hire two full-time Legislative Assistants the opportunity to do so.

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<sup>7</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-10\\_Item\\_10\\_Refer\\_\\$80,000.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_$80,000.aspx)

<sup>8</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/06-01\\_AC\\_Time\\_Critical\\_Item\\_Leg\\_Assistants\\_MOU.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/06-01_AC_Time_Critical_Item_Leg_Assistants_MOU.aspx)

<sup>9</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_06\\_Council\\_Office\\_Expense\\_Account.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_06_Council_Office_Expense_Account.aspx)

### ALTERNATIVES CONSIDERED

Maintaining the status quo would result in those Council Offices which retain more than one Legislative Assistant encountering structural budget deficits within one to three years. In this scenario, Offices will be *forced to cut hours or lay off staff*. Though this can be remediated by reallocating non-personnel funds towards staff costs, doing so would delay but not prevent structural issues in most circumstances and results in other challenges and inequities associated with insufficient office funds.

The Budget and Finance Committee should instead consider pooling individual Council Staff Office Budgets together into a single Council Office Staff Budget, and fund it sufficient for each Office to hire two FTEs. This would raise funding to a level reflective of the demonstrated demand for Legislative Assistant work and stabilize those Offices with multiple Legislative Assistants, while simultaneously enabling budgeting practices and cost savings not practical with individual Council Staff Office Budgets. In this scenario, each Council Office would be able to draw funding for up to 2 FTEs or their equivalent from the fund, with flexibility for each Office based on the tenure of staff and the breakdown of fulltime and part-time positions.

The primary advantage of a pooled approach is in allowing more accurate budgeting practices. Normally, variation in seniority and temporary vacancies within a department create a high probability of actual costs falling close to the middle of the step range per budgeted position. It is therefore more accurate to budget staff costs at that median range, which frees some money for other priorities. The small size of each Council Office Staff Budget prevents this, instead requiring that they be budgeted at the top of the range. A pooled budget for 16 FTEs would likely be large enough to budget at the middle, allowing for more accurate budgeting and possible reallocation of scarce resources.

A pooled fund would allow for budgeting practices more reflective of the City's policies for other departments. The Budget and Finance Committee should consider what additional restrictions and policies should govern use of the fund. These should include a restriction on initial step placements for new hires at the first four steps of the Legislative Assistant salary range, and a requirement that the 80 hours available to each department be split between no more than three individual staff members. This could ensure stability of future budgets while enabling Council Offices to retain hiring discretion.

Additionally, a June 2021 Compensation Study indicated that the Legislative Assistant position in the City of Berkeley was 25% below the regional Labor Market Median in compensation (see Attachment 2). Recruitment and retention may become more difficult, as inflation measured by the Consumer Price Index (CPI) had risen to 5% that month, and peaked at a 40-year high of 8.5% in July 2022, representing a loss of real purchasing power for workers whose salary increases were below those rates.

A second alternative to address this issue would be to simply increase the amount allocated per council office from one FTE to two. While this may be easier to implement, it may be lacking in the cost control and flexibility enabled by the pooled approach.

### FINANCIAL IMPLICATIONS

Budgeting 16 FTE at the median salary step (\$90,121 per year) and pooling Council Office Staff Budgets would cost approximately \$1,441,936 for Fiscal Year 2024, if all offices exhaust their 2 FTE allocation—an annual \$114,316 increase over the status quo ante, which would otherwise total \$1,327,620 in FY 24. 2 FTE would be \$1,770,160, or an increase of \$442,540. This budget referral contains half that amount to reflect the midpoint in Fiscal Year 2024.

It is important to note that adopted and actual Council office budgets vary greatly each year. For example, in FY 2023 the actual budget resulted in 20% savings<sup>10</sup> over the adopted budget presumably due to differences in Councilmember spending and hiring preference

These cost estimates are based on projections for salary costs given scheduled raises per already agreed labor contracts for FY 2023, but assume FY 2022 allocations for fringe benefits. This may slightly underestimate the cost for the status quo, and significantly overestimate cost for the pooled alternative. Some fringe benefits, like healthcare, are unrelated to the salary of the position, while some rise with compensation. While the pooled approach budgets salaries at the median of the range, it assumes the full cost of 16 positions regardless of step for fringe benefits.

### ENVIRONMENTAL SUSTAINABILITY

None.

### ATTACHMENTS

1. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures - May 2022
2. 2021 Compensation Study for Legislative Assistants

### CONTACT

Terry Taplin, Councilmember, District 2, 510-981-7120

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<sup>10</sup> <https://berkeleyca.gov/sites/default/files/documents/FY-2024-Mid-Biennial-Adopted-Budget-Book.pdf>


**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 24, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author), Councilmember Rigel Robinson, Kate Harrison, and Terry Taplin (Co-Sponsors)

Subject: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

RECOMMENDATION

Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and fringe benefits expenditures and an accompanying Budget Referral of approximately \$1,226,619.52 for the FY 22-23 June Budget process.

CURRENT SITUATION

As of March of 2022, four of eight Council Offices retain more than one Legislative Assistant, while the Mayor retains four Legislative Assistants in addition to a Chief of Staff. This reflects the trend over the last two decades of an increase in demand faced by Council Offices for constituent services and legislative policy output. Despite this increase, Council budget policy still assumes a staff level fixed at one Legislative Assistant per Council Office, though recent adjustments provide for budgeting the Mayor's Office at actual staff costs.

The most recent adjustment to Council staff budgeting policy was made in response to the 2019 unionization of Legislative Assistants with the SEIU 1021 Community Services & Part-Time Recreation Leaders Association Chapter. The City officially ratified a contract with the new unit on June 15, 2021 that, among other things, provided an increased hourly wage for Legislative Assistants more closely commensurate with internal comparators as determined by a 2006 report from the City Manager, and placed Legislative Assistants on a salary schedule based on annual steps like other unionized positions in the City. After the adoption of the contract, Resolution No. 65.540-N.S. which provided for and regulated Council Office budgets was replaced by Resolution No. 70,054-N.S. This new Resolution adjusted Council budgets to allow for one full-time Legislative Assistant per office under the new agreement but did not account for the reality that half of Council Offices currently have had more than one Legislative Assistant. Because the new contract provides for annual step increases, Council Offices which now use their staff funds to retain two part time Legislative Assistants will be forced to reduce hours or terminate staff as they progress through annual steps.

BACKGROUND

The Berkeley City Council and the people of Berkeley take great pride in their extremely active, engaged, and forward thinking legislative branch. This is directly tied to the expectations of Berkeley's residents, who have through their votes on ballot measures and their vocal advocacy demanded this level of activity. Additionally, this demand has risen over time. The population of Berkeley has increased by more than 20,000 since 2000, and interest in critical legislative issues including affordable housing, climate change, homelessness, transit, and public safety reimagining has increased substantially. Simultaneously, the City's budget and the total number of employees have steadily increased. The Council provides legislative output, municipal oversight, and constituent services that are more comparable to neighboring cities and counties with substantially larger populations and budgets than Berkeley. The Council's legislative assistants are key to providing these services. Legislative Assistants aid with the management of a Councilmember's policy initiatives and district projects, write legislation, provide administrative office support, research and analyze policy and legislation, guide constituents in accessing critical public and nonprofit assistance, and may be called upon to represent their Councilmember before constituents, community groups, business interests, city staff and other elected officials.

Until recently, the Mayor, Councilmembers, and their aides have been significantly underpaid as compared to external and internal comparators.

In 2020, the adoption of Measure JJ by nearly two thirds of Berkeley voters<sup>1</sup> affirmed that residents have high expectations of their local government and that the work required to deliver on those expectations should be compensated fairly and accurately. Measure JJ changed the status of City Councilmembers from part-time to full-time to reflect the increased demands of the position from when it was first created, and increased the salary for Councilmember and the Mayor to one sufficient for working class residents to be able to afford to run for office.<sup>2</sup>

Alongside the trend of increased demand on Council Offices for legislative and constituent services, the inauguration of the Council Policy Committee system in 2018<sup>3,4</sup> and the transition to full time Council positions in 2020 have both driven an increase in the workload for legislative staff. Half of Council Offices now maintain more than one Legislative Assistant, reflecting that the volume of legislative work per Council Office often exceeds 40 hours of labor per week. There are currently six Council Policy Committees, four interagency committees, and a varying number of Mayoral task

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<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Summary%20Results%20Nov.%202020.pdf>, pg. 3

<sup>2</sup> <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/2020%20Ballot%20Measures.pdf>, pg. 33

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-11\\_Item\\_C\\_Structure\\_for\\_City\\_Council\\_-\\_Supp.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-11_Item_C_Structure_for_City_Council_-_Supp.aspx)

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/12-11\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/12-11_Annotated_Agenda.aspx)



forces.<sup>5</sup> Many Councilmembers also sit on regional boards, commissions, working groups and task forces, including, for example, the Association of Bay Area Governments Executive Board, Alameda County Transportation Commission, and the East Bay Community Energy Board of Directors among numerous others.

These committees and other bodies provide vital legislative functions, but also add significant workload in both staffing and preparing for these meetings each week. In addition to two regular meetings a month, Policy Committees have additional special meetings scheduled on an ad hoc basis, especially during the bi-annual budget processes, and additional work conducted by the staff, especially when a Councilmember chairs a Committee. Critically, committee members are now responsible for writing more detailed and comprehensive legislative briefs and memos as well as shepherding amended legislative matters referred from Commissions and other bodies. Due to the enhanced demand for legislative work, full and part-time Legislative Assistants regularly work hours substantially beyond their scheduled appointment.

Over the past two decades, Council has attempted to address Legislative Assistant compensation, resulting in incremental improvement.

In 2006, in recognition of Legislative Assistant salary and classification disparities, the Council passed Resolution No. 63,259-N.S. directing the City Manager to conduct a salary equity study for the City Council Legislative Assistants and report the findings to the Council to include “a comparison with their peers in neighboring jurisdictions...[and] the salary range, qualifications and responsibilities for this job class.”<sup>6</sup>

The resulting 2006 study<sup>7</sup> from the City Manager found that Legislative Assistants were significantly underpaid as compared to external and internal comparators—namely the Assistant Management Analyst in the City Manager’s office. The City Manager recommended an increase to Council office salary budgets, at the time \$44,433 excluding benefits, to the minimum salary level of an Assistant Management Analyst (AMA), which would have increased the annual salary allocation by approximately \$10,248 per Council office. In 2015, nearly a decade after the City Manager’s study was submitted to Council, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural deficiencies including that Council Offices had to pull from their discretionary budgets “intended for office supplies and other office-related costs” in order to sufficiently fund staff costs.<sup>8</sup> Council ultimately referred an additional \$80,000 total to be split between the 8 Council offices. This

<sup>5</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Committee\\_and\\_Regional\\_Body\\_Appointees.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Committee_and_Regional_Body_Appointees.aspx)

<sup>6</sup><https://www.cityofberkeley.info/citycouncil/agenda-committee/2006/packet/041006/2006-04-18%20Draft%20Item%2019%20MOORE%20-%20Salary%20Equity.pdf>

<sup>7</sup><https://www.cityofberkeley.info/recordsonline/api/Document/AQwW5T053smoW4FSgoqqfPzrtx2b5Xyd2Wp12sEq9AYYtJ0JDbJ32ymekuaq6i5xy%C3%89%C3%8117rVEBYmrBFWpzKvwec%3D/>

<sup>8</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-10\\_Item\\_10\\_Refer\\_\\$80,000.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_$80,000.aspx)

increased staff capacity but only to the bottom end of the AMA classification range for one position.

In 2019, the Legislative Assistants across Council and Mayoral offices unionized as part of the SEIU 1021 Community Services & Part-Time Recreation Leaders Association. The contract approved in June 2021<sup>9</sup> provided for a wage step range roughly commensurate with the AMA classification. As part of that range, Legislative Assistants now receive annual pay increases along the established range like other City employees. In order to effectuate the new labor agreement, Council modified the guidelines that regulate Council Office budgets, replacing Resolution No. 65.540-N.S. with Resolution No. 70,054–N.S.<sup>10</sup>

While the wage floor for Legislative Assistants has increased under the contract, historic budget deficiencies persist. Indeed, the current budget policy artificially constrains certain Council appointments to less than full-time appointments in cases where two Legislative Assistants are needed. As a result, offices with multiple Legislative Assistants have to ration one full-time salary between two people, a fraught situation that create awkward and precarious work schedules, inequitable compensation, burnout, high turnover, less diverse staff, less thorough legislative and constituent services, and the siphoning of office funds intended for supplies and other office-related costs. In addition, since the Legislative Assistant contract now provides for yearly step increases pursuant to favorable performance reviews like most other City positions, the Mayor and Council offices with multiple Legislative Assistants will quickly overshoot their budgets, which were designed for only one Legislative Assistant per office.

Adequately and equitably funding these positions is key to meeting the City's Strategic Plan goal of attracting and retaining a talented and diverse City government workforce. The two alternatives considered would address these shortcomings and respond to the change in legislative conditions by providing offices that wish to hire two full-time Legislative Assistants the opportunity to do so.

### ALTERNATIVES CONSIDERED

Maintaining the status quo would result in those Council Offices which retain more than one Legislative Assistant encountering structural budget deficits within one to three years. For example, an Office budgeted at the FY 2023 rate of \$109,539 for staff salaries with two staff, one for 30 hours a week and one for 20, would have a \$12,224.89 surplus in their salaries fund. The surplus would drop annually, to \$7,370.43 in the second year and \$2,239.85 in the third, and finally become negative in the fourth year at -\$3,111.47. In this scenario, Offices will be forced to cut hours or lay off staff. Though this can be remediated by reallocating non-personnel funds towards staff costs,

<sup>9</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/06-01\\_AC\\_Time\\_Critical\\_Item\\_Leg\\_Assistants\\_MOU.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/06-01_AC_Time_Critical_Item_Leg_Assistants_MOU.aspx)

<sup>10</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_06\\_Council\\_Office\\_Expense\\_Account.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_06_Council_Office_Expense_Account.aspx)

doing so would delay but not prevent structural issues in most circumstances and results in other challenges and inequities associated with insufficient office funds.

The Budget and Finance Committee should instead consider pooling individual Council Staff Office Budgets together into a single Council Office Staff Budget, and fund it sufficient for each Office to hire two FTEs. This would raise funding to a level reflective of the demonstrated demand for Legislative Assistant work and stabilize those Offices with multiple Legislative Assistants, while simultaneously enabling budgeting practices and cost savings not practical with individual Council Staff Office Budgets. In this scenario each Council Office would be able to draw funding for up to 2 FTEs or their equivalent from the fund, with the precise dollar amount fluctuating from Office to Office based on the tenure of an Office's staff and the breakdown of fulltime and part-time positions.

The primary advantage of a pooled approach is in allowing more accurate budgeting practices. Normally, variation in seniority and temporary vacancies within a department create a high probability of actual costs falling close to the middle of the step range per budgeted position. It is therefore more accurate to budget staff costs at that median range, which frees some money for other priorities. The small size of each Council Office Staff Budget prevents this, instead requiring that they be budgeted at the top of the range. A pooled budget for 16 FTEs would likely be large enough to budget at the middle, allowing for more accurate budgeting and possible relocation of resources.

A pooled fund would allow for budgeting practices more reflective of the City's policies for other departments. The Budget and Finance Committee should consider what additional restrictions and policies should govern use of the fund. These should include a restriction on initial step placements for new hires at the first four steps of the Legislative Assistant salary range, and a requirement that the 80 hours available to each department be split between no more than three individual staff members. These restrictions are important for maintaining the stability of the fund while allowing for the hiring discretion necessary of political positions. While these limits would place some restrictions on Councilmembers, they would retain their ability to supplement their allocation from the fund with expenditures from their non-personnel budget.

This pooled approach is a significant change from current practices and will require input and guidance from Budget staff to create and implement. Additionally, it could allow one Council Office to draw significantly more or less from the pool than others, though this would reflect variation in funding but not actual staff resources. For example, an office with two new staff at the first step would pull more from the fund than an office with staff both at the final step, though each Office would still only be receiving the benefit of 2 FTEs.

A second alternative to address this issue would be to simply increase the amount allocated per council office from one FTE to two. While this would achieve short term stabilization of Council Staff Office Budgets and be simpler and easier to implement

than the pooled approach, it would not achieve long-term stabilization and cost control features.

### FINANCIAL IMPLICATIONS

The current baseline allocation for each Council Office Staff budget for FY 2023 is approximately \$187,663. This includes \$109,539 for salary and \$78,124 for fringe benefits, the largest share of which is health insurance costs. This totals \$1,501,305 across the eight Council Offices, not accounting for additional voluntary contributions from Councilmembers' own salaries.

Pooling the Council Office Staff Budgets and budgeting at the median of the step range would cost approximately \$2,727,925 in total. This would be \$1,226,620 more than current spending but \$274,686 less than the prior alternative.

Individually allocating each Council Office Staff Budget funding for two FTEs would increase costs to \$375,326 per Office or \$3,002,612 total, representing an increased allocation of \$1,501,305.

It is important to consider that these numbers represent allocations and not actual expenditures. Adopting a prohibition on the rollover of surplus funds budgeted for salaries alongside the current prohibition for fringe benefits could reduce the actual cost of the individual proposal.

Finally, these cost estimates are based on projections for salary costs given scheduled raises per already agreed labor contracts for FY 2023, but assume FY 2022 allocations for fringe benefits. This may slightly underestimate the cost for both the status quo and the first alternative, and significantly overestimate cost for the pooled alternative. Some fringe benefits, like healthcare, are unrelated to the salary of the position, while some rise with compensation. While the pooled approach budgets salaries at the median of the range, it assumes the full cost of 16 positions regardless of step for fringe benefits. Additional information from staff concerning the breakdown and calculation of fringe benefits cost would help to refine these figures.

### ENVIRONMENTAL SUSTAINABILITY

No discernible impact.

### CONTACT

Councilmember Ben Bartlett  
James Chang

510-981-7130  
510-981-7131

City of Berkeley  
Total Compensation Study  
7.2021- Legislative Assistant

| Agency             | Classification                         | Minimum Base Salary                        | Maximum Base Salary | Ranking  | Employee's Portion of Retirement Paid by the Employer (%) | Employee's Portion of Retirement Paid by the Employer (\$) | Deferred Compensation | Longevity pay at 10 Years | Total Cash     | Ranking  | Cafeteria Plan | Health (Most Expensive Plan) | Dental       | Vision     | RHSA       | Total Comp      | Employer's Portion of Retirement Paid by the Employee (%) | Employer's Portion of Retirement Paid by the Employee (\$) | Total Compensation minus ER portion of retirement paid by EE | Ranking  |          |
|--------------------|----------------------------------------|--------------------------------------------|---------------------|----------|-----------------------------------------------------------|------------------------------------------------------------|-----------------------|---------------------------|----------------|----------|----------------|------------------------------|--------------|------------|------------|-----------------|-----------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------|----------|----------|
| <b>Berkeley</b>    | <b>Legislative Assistant</b>           | <b>\$6,115</b>                             | <b>\$8,604</b>      | <b>5</b> | <b>8%</b>                                                 | <b>\$688</b>                                               | <b>\$181</b>          | <b>\$0</b>                | <b>\$9,474</b> | <b>4</b> | <b>\$0</b>     | <b>\$2,449</b>               | <b>\$151</b> | <b>\$0</b> | <b>\$0</b> | <b>\$12,078</b> | <b>8%</b>                                                 | <b>\$688</b>                                               | <b>\$11,389</b>                                              | <b>5</b> |          |
| Alameda County     | Supervisor's Assistant                 | \$3,876                                    | \$11,138            | 2        | 0%                                                        | \$0                                                        | \$0                   | \$0                       | \$11,138       | 3        | \$0            | \$2,694                      | \$124        | \$0        | \$0        | \$13,958        | 0%                                                        | \$0                                                        | \$13,958                                                     | 2        |          |
| Concord            | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| Fremont            | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| Hayward            | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| Oakland            | Special Assistant to the Mayor II      | \$7,864                                    | \$12,813            | 1        | 0%                                                        | \$0                                                        | \$0                   | \$0                       | \$12,813       | 1        | \$0            | \$2,115                      | \$101        | \$20       | \$0        | \$15,051        | 0%                                                        | \$0                                                        | \$15,051                                                     | 1        |          |
| Palo Alto          | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| Richmond           | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| San Francisco      | Legislative Assistant                  | \$8,847                                    | \$10,755            | 3        | 0%                                                        | \$0                                                        | \$0                   | \$538                     | \$11,293       | 2        | \$0            | \$2,165                      | \$158        | inc        | \$0        | \$13,618        | 4%                                                        | \$430                                                      | \$13,188                                                     | 3        |          |
| San Jose           | Council Policy and Legislative Advisor | \$4,427                                    | \$7,084             | 6        | 0%                                                        | \$0                                                        | \$0                   | \$0                       | \$7,084        | 6        | \$0            | \$2,022                      | \$150        | \$16       | \$0        | \$9,278         | 0%                                                        | \$0                                                        | \$9,278                                                      | 6        |          |
| Santa Clara County | No Comparable Class                    |                                            |                     |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |
| San Mateo County   | Legislative Aide                       | \$7,179                                    | \$8,973             | 4        | 0%                                                        | \$0                                                        | \$0                   | \$224                     | \$9,197        | 5        | \$0            | \$3,343                      | \$131        | \$17       | \$0        | \$12,693        | 0%                                                        | \$0                                                        | \$12,693                                                     | 4        |          |
|                    |                                        | <i>Labor Market Median</i>                 | \$10,755            |          |                                                           |                                                            |                       |                           |                | \$11,138 |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          | \$13,188 |
|                    |                                        | <i>% Berkeley is Above or Below Median</i> | -25.00%             |          |                                                           |                                                            |                       |                           |                | -17.57%  |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          | -15.79%  |
|                    |                                        | <i># Of Comparable Matches</i>             | 5                   |          |                                                           |                                                            |                       |                           |                |          |                |                              |              |            |            |                 |                                                           |                                                            |                                                              |          |          |

Data effective as of 7/2021





Berkeley City Councilmembers  
Susan Wengraf, District 6  
Mark Humbert, District 8  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf (Author), Councilmember Humbert (Author),  
Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)  
Subject: Letter to AC Transit Regarding Draft Realignment Scenarios

RECOMMENDATION

Send a letter to AC Transit with Council feedback on their Realign Draft Service Scenarios presented to Council on Nov 14, 2023.

FINANCIAL IMPLICATIONS

None

BACKGROUND

At the November 14, 2023 Council Meeting, Ryan Lau and Carissa Lee from AC Transit co-presented their agency’s draft Realign scenarios for bus routes. The Realign plan options were based on changes in rider travel patterns and community input.

Although many of the changes included in AC Transit’s Realign plans were positive, there were some that were deeply concerning to the Council.

The letter urges AC Transit to revise its plans to address the following concerns:

- 1. Increase or, at the very least, maintain the current level of service, including preservation of both the 65 and 67 lines in the north-east Berkeley Hills.
- 2. Maintain direct service to the Berkeley Marina.
- 3. Preserve the 72 Rapid line (72 R).

ENVIRONMENTAL SUSTAINABILITY

If one of only two buses serving over 15,500 people in the steep terrain of the north-east Berkeley Hills is cut, it will force people to own and drive cars, which is not in alignment with our climate action goals.

CONTACT PERSON

|                       |                    |              |
|-----------------------|--------------------|--------------|
| Councilmember Wengraf | Council District 6 | 510-981-7160 |
| Councilmember Humbert | Council District 8 | 510-981-7180 |

Attachments:

- 1. Letter



**Berkeley City Council**

2180 Milvia Street, 5th Floor  
Berkeley, CA 94704

Alameda-Contra Costa Transit District Board of Directors  
1600 Franklin St  
Oakland, CA 94612

RE: AC Transit Realign Proposals

December 12, 2023

Dear AC Transit Board of Directors,

The Berkeley City Council understands the challenges of devising a bus network; and we recognize that service plans are like puzzles where all the pieces must fit together and any one change can cascade through the system. We appreciate AC Transit's efforts to thread the needle and balance sometimes disparate needs and input from diverse stakeholders.

Although many of the changes included in AC Transit's Realign plans are positive, there are some that are deeply concerning to the Berkeley City Council. Berkeley has some of the highest ridership of anywhere in AC Transit's network and the final plans should support rather than hinder this success. The Berkeley City Council urges AC Transit to revise its plans to address the following concerns.

Service in the Berkeley Hills must be maintained at minimum and, if possible, expanded. The 65 and the 67 routes represent the only transit access and connection to BART for the steep NE Berkeley Hill area. The Frequent Service Scenario's merger of these two lines would cut service and access for home healthcare workers, students who would then have to be driven, and visitors to Tilden Park, among others.

Moreover, this proposal is inconsistent with Berkeley's adopted climate action goals and hills housing policies. If anything, the currently anemic service should be expanded to include later nights and weekends, as well as greater frequency. But at the very least, these independent lines must remain at current service levels, keeping both routes 65/67, as listed in the Balanced Coverage Scenario. We believe there must be a means to preserve the 65 and 67 while still allowing for higher frequency on other lines.

Direct service to the Berkeley Marina must also be maintained. Serving the Marina only via a route that is circuitous and infrequent (especially on weekends) would negatively impact recreation access and necessitate major route/frequency changes when ferry service arrives. AC Transit should find a way to maintain direct Marina access by way of University Avenue, potentially by having some buses on the new F6 route extend to the Marina.

The 72 Rapid line must also be preserved. The 72R provides critical north-south and Downtown Oakland service in a part of Berkeley that is not well served by BART. Although streetscape improvements are anticipated to improve performance of the 72 line(s), this does not justify counteracting those improvements by eliminating limited stop service. We urge AC Transit to retain the 72 and 72R, and find another way to provide access to the different areas served at the northern ends of the 72, 72R, and 72M.

Thank you for your service and for giving us the opportunity to comment on the proposed service changes.

Respectfully,  
Berkeley City Council





Office of the City Manager

ACTION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Eleanor Hollander, Manager, Office of Economic Development

Subject: Expansion of the Elmwood Business Improvement District

RECOMMENDATION

Conduct a public meeting to review and discuss the expansion of the Elmwood Business Improvement District (hereafter, “Elmwood BID”, “BID” or “the District”).

FISCAL IMPACTS OF RECOMMENDATION

As noted in the corresponding section of the staff report on the Resolution of Intention to expand the Elmwood Business Improvement District, November 14, 2023 (Attachment 1).

CURRENT SITUATION AND ITS EFFECTS

California Streets and Highway Code Section 36500, the Parking and Business Improvement Area Law of 1989, requires specific actions to create or expand a business-based improvement district including compliance with Section 54954.6 of the California Government Code. Section 54954.6 requires Council to conduct at least one *public meeting* at which local officials allow public testimony regarding the proposed new assessment in addition to the noticed *public hearing* at which the legislative body proposes to enact the assessment.

On November 21, 2023 Council adopted Resolution No. 71,099–N.S., which states the intention to expand the Elmwood BID and directed the City Clerk to schedule a public meeting on December 12, 2023, and a public hearing on January 16, 2024 to consider the expansion of the District. The City Clerk’s Office gave joint notice of both by mailing Resolution No. 71,099–N.S. to all affected businesses in the proposed (expanded) District, as is allowed by Section 54954.6 of the Government Code.

The proposed (expanded) Elmwood BID as depicted in Exhibit A1 would assess businesses an annual fee according to classifications and rates defined in Exhibit A2 to Resolution No. 71,099-N.S.,(Attachment 1). A committee of Elmwood business owners, the Elmwood Business Merchants Association (EBA), and the Elmwood Business Improvement District Advisory Board Commissioners, are proposing two changes to the assessment formula and rates developed with the establishment of the Elmwood BID in 2013. The assessment rate for Parking Lot Operators will increase from \$1,000 to \$2,000, and the assessment rate for Hair, Nail and Skin Services (NAICS 81211) will decrease from \$250 to \$200 annually which is reflected in Exhibit A2.

The Finance Department will continue to collect the assessment at the same time as the annual business license renewal in a special fund and will remit the revenue to the Elmwood Business Association (EBA) which will continue to be the “operating corporation” of the Elmwood BID. Projected revenues of approximately \$50,000 per year will be spent by the EBA on a program of services and activities intended to market, maintain and beautify the expanded Elmwood business improvement district. The current program of BID services is described in Attachment 2.

#### BACKGROUND

Starting in March of 2019, the members of the both the EBA and the BID Advisory Board expressed interest in potentially expanding the boundaries of the Elmwood BID to increase capacity and collaboration with unrepresented businesses on the northern and southern ends of the Berkeley’s commercial areas along College Avenue (Attachment 3). During the course of outreach with merchants; collaboration with the neighboring Rockridge District Association in Oakland was explored and rich opportunities for streetscape improvements and partnerships were uncovered. The goal of expanding the District boundary is to support activities and programing and increase merchant and business owner collaboration in areas along College Avenue that have not previously benefited from BID support.

#### RATIONALE FOR RECOMMENDATION

This public meeting is required by California Streets and Highway Code Section 36623 and Section 54954.6 of the California Government Code.

#### ALTERNATIVE ACTIONS CONSIDERED

The merchants considered various alternative boundaries and assessment formulas and rates, and ultimately established the proposed district boundary map (Attachment 1, Exhibit A1).

#### CONTACT PERSON

Kieron Slaughter, Office of Economic Development, 510-981-2490

Attachments:

1. Resolution of Intention to Expand the Elmwood Business Improvement District (2025), Resolution No. 71,099-N.S., November 21, 2023.
2. Staff report on Resolution of Intention to renew the Elmwood Business Improvement District (2024), October 10, 2023, including Annual Report and Budget Elmwood Business Improvement District 2023-24.
3. Elmwood Business Improvement District Advisory Board meeting minutes; March 1, 2019, and August 21, 2020.

## RESOLUTION NO. 71,099-N.S.

DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2025; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR JANUARY 16, 2024 REGARDING AN EXPANDED DISTRICT BOUNDARY AND ASSESSMENT RATES FOR 2025

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established the Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, on October 2, 2023 the Advisory Board voted to approve an expanded boundary map of the District, to update the assessment rates, and to submit the proposed rates and map to the City Council as required by the California Streets and Highways Code Section 36500; and

WHEREAS, the proposed district map is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the process for modifying the boundaries and assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to modify the boundary and the assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to modify the district boundary map and levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 2. The boundaries of the District are set forth in Exhibit A1 to the Resolution of Intent which is attached hereto and incorporated herein by reference.

Section 3. The improvements and activities proposed for the District will utilize funds designated for activities and improvements in the Elmwood area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City. The improvements and activities proposed for the District

are to promote, maintain and beautify the Elmwood Commercial District and include maintenance and capital improvements targeted for the area. Funds must be used for designated activities and improvements in the Elmwood BID commercial area. Funds generated through this BID shall not be used for activities routinely paid for by the City.

Any interested individual may contact Kieron Slaughter, Secretary to the Elmwood BID Advisory Board at (510) 981-2490 or at 2180 Milvia St., 5th Floor, Berkeley, CA 94704.

Section 4. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference. Any past due business license tax and related assessment fees will correspond to the rate currently in place. Any past due business license tax and related assessment fees not in the assessment boundary prior to January 1, 2025 will not be subject to the assessment.

Section 5. A public hearing shall be held before the City Council at 6:00 p.m. on January 16, 2024 at 1231 Addison Street, Berkeley, California. Following the hearing the Council will consider adoption of a resolution approving the District boundary map and levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the expanded District boundary map or the levying of such an assessment. A public meeting will be held December 12, 2023 at 6:00 p.m. at 1231 Addison Street, Berkeley, California regarding the proposed expansion as required by Government Code Section 54954.6.

Protests may be made orally at the public hearing, or in writing by any interested person. Written protests shall be filed with or mailed to the City Clerk Department, 2180 Milvia Street, First Floor, Berkeley, California, 94704. Written protests must be received by the City Clerk at or before 3:00 pm on January 16, 2024. Written protests may also be filed in person at the public hearing, prior to the close of the hearing. Written protests will not be considered valid unless signed by the owner of a business located within the boundaries of the proposed District. This signature shall be accompanied by the name of the business owner (printed) and the date of the protest. Additionally, written protests shall contain a description of the business sufficient to identify the business, such as business name (printed), business address (printed), and City Business License Tax Registration number (or, if no Business License Number, Financial Institution name). Protests must also state if they are protesting against the furnishing of a specified type or types of improvements or activities within the District.

If the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business.

Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written

protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

Section 8. The City Clerk is directed to give notice of said hearings as provided in section 36623 of the Act and section 54954.6 of the Government Code, which requires that the agency shall give notice by mail to the record owner of each identified business and financial institution. The public hearing shall be held not less than 45 days after the adoption of this Resolution.

The foregoing Resolution was adopted by the Berkeley City Council on November 21, 2023 by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Robinson, and Arreguin.

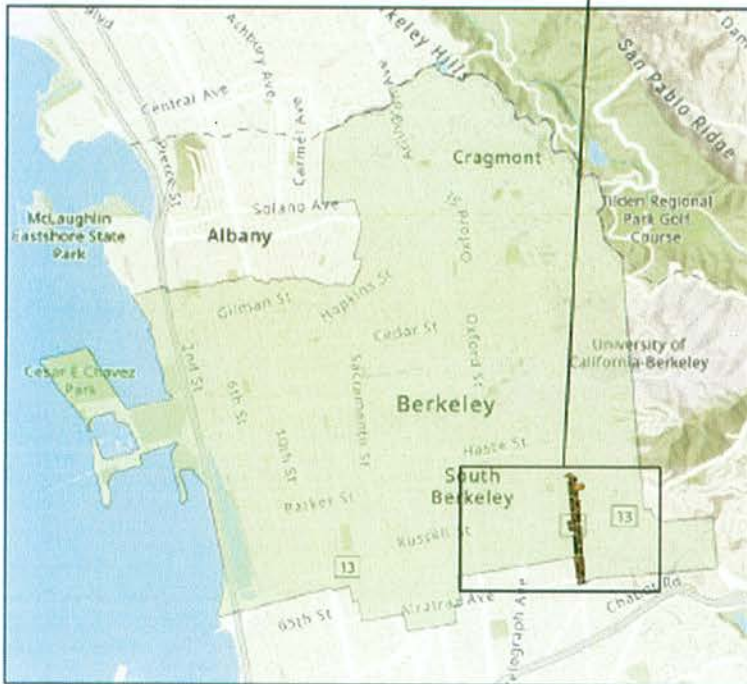
Noes: None.

Absent: Kesarwani, Taplin and Wengraf.

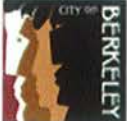
  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

Exhibit A1: Proposed Elmwood Business Improvement District Boundary Map - 2025



-  BID Elmwood Recommendation
-  City of Berkeley



**Exhibit A2: Elmwood Business Improvement District, Assessment Rates – 2025**

| <b>Classifications</b>                                                                                                                                                                                                                                                                                                    | <b>Rates</b>                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Retail including jewelers and groceries but not restaurants<br>(Tax Codes R, M and G but without NAICS 722, Food Services<br>and Drinking Places) <ul style="list-style-type: none"> <li>• Gross receipts under \$350,000</li> <li>• Gross receipts \$350,000-\$999,999</li> <li>• Gross receipts \$1,000,000+</li> </ul> | \$250.00 per year<br>\$350.00 per year<br>\$500.00 per year |
| Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)                                                                                                                                                                                                                 | \$500.00 per year                                           |
| Professionals including offices of real estate brokers (Tax Code P) <ul style="list-style-type: none"> <li>• Gross receipts under \$100,000</li> <li>• Gross receipts over \$100,000</li> </ul>                                                                                                                           | \$300.00 per year<br>\$400.00 per year                      |
| Entertainment and Recreation (Tax Code E)                                                                                                                                                                                                                                                                                 | \$450.00 per year                                           |
| Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)                                                                                                                                                                                                                | \$200.00 per year                                           |
| Hair, Nail and Skin Care Services (NAICS 81211)                                                                                                                                                                                                                                                                           | \$200.00 per year                                           |
| Parking lot operators                                                                                                                                                                                                                                                                                                     | \$2,000.00 per year                                         |
| Financial Institutions                                                                                                                                                                                                                                                                                                    | \$2,500.00 per year                                         |

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. (Ord. 7317-NS § 3 (part), 2013)





Elmwood BID Advisory Board

CONSENT CALENDAR  
October 10, 2023

To: Honorable Mayor and Members of the City Council  
 From: Elmwood Business Improvement District Advisory Board  
 Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board  
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2024

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for November 14, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$30,000 will be deposited into the Elmwood BID Fund, and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$1,000 for 2023, paid through the Off-Street Parking Fund. To the extent that the work of the Elmwood BID enhances the development of the Elmwood commercial district and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 8, 2023, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report of 2023 and budget for 2024 and adopt a Resolution of Intention to renew the Elmwood BID (M/S-Han/Stepak; Ayes: (4) Han, Stepak, Berne, Hammond, Nays: 0, Absent: 0). The board also voted to explore expansion of the BID boundaries effective in 2025; this effort will take place distinct from the BID renewal for calendar year 2024. The Resolution of Intention also sets a public

hearing date for November 14, 2023 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2024. If written and/or oral protests are received from businesses proposed to pay a majority of the assessment prior to or at the public hearing, Council cannot vote to levy assessments for 2024. If no majority protest is received, the Council may renew the assessment.

### BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain, and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as place-based marketing, events, and capital improvements in the district.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes and decreasing carbon emissions.

### RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Kieron Slaughter, Secretary to the Elmwood BID Advisory Board, (510) 981-2490

### Attachments:

#### 1: Resolution

- Exhibit A: Elmwood BID Annual Report 2023 and Proposed Budget for 2024
- Exhibit A1: Map of the Elmwood BID 2024
- Exhibit A2: Assessment Rates 2024

RESOLUTION NO. -N.S.

APPROVING THE 2023 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2024; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2024; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 14, 2023 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2024

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established the Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2023 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2023-24 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the Elmwood BID Annual Report and Budget which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and Budget (Exhibit A) and appended hereto. Council intends that these funds be used for designated activities and improvements in the Elmwood commercial

area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on November 14, 2023. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

All formal written and oral protests against the levying of the District assessment should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on November 14, 2023 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

#### Exhibits

A: Annual Report for the Elmwood Business Improvement District for 2023-24

A1: Map of the Elmwood BID 2024

A2: Assessment Rates 2024

**EXHIBIT A****Annual Report for the Elmwood Business Improvement District for 2023-24**

August 31, 2023

To: Members of the Berkeley City Council  
 From: The Elmwood Business Improvement District Advisory Board  
 Re: 2024 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2024 fiscal year, with the same boundary as the prior year (Exhibit A1). The assessment method and basis remain the same.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$30,000 per year provide a regular, predictable source of funding for the Elmwood Business Association (EBA) activities, and an additional \$5,000 of grant funding and fundraising is also anticipated. The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's ongoing vitality. Here are some highlights:

- Rolled out SmartSpace Pilot (employee parking program) in collaboration with CoB Transportation Dept.
- Discussed AC Transit EasyPass program to Elmwood merchants with employees encourage public transit use
- Maintenance of year-round lighting installation on district buildings
- Website: [www.shoptheelmwood.com](http://www.shoptheelmwood.com) serves as one of the district's main marketing tools – District Events, Introducing New Businesses, and ongoing marketing updates
- Installation of Welcome to Elmwood banners as well as seasonal banners on light posts and ongoing maintenance
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
  - Post on social media
  - Manage merchant communications
  - Promote monthly specials among Elmwood Merchants
  - Updating the website to keep it current
  - Project manage events around Elmwood BID
- Sponsored the following events:
  - Spring and Fall Outdoor Movie Nights

- Fall Live Music Stroll
- Shop Local Promotions
- Held a Merchant Social at the newly opened Five Tacos and Beers restaurant
- Outreach to merchants at the southern end of Elmwood toward Alcatraz to include them in the Elmwood BID expansion plan effective in calendar year 2025.
- Applied and received Berkeley Civic Arts Grant to put on the Elmwood Music Festival
- Members of the board active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

Below for your review is a summary of our current financial position and our proposed budget for 2023-24.

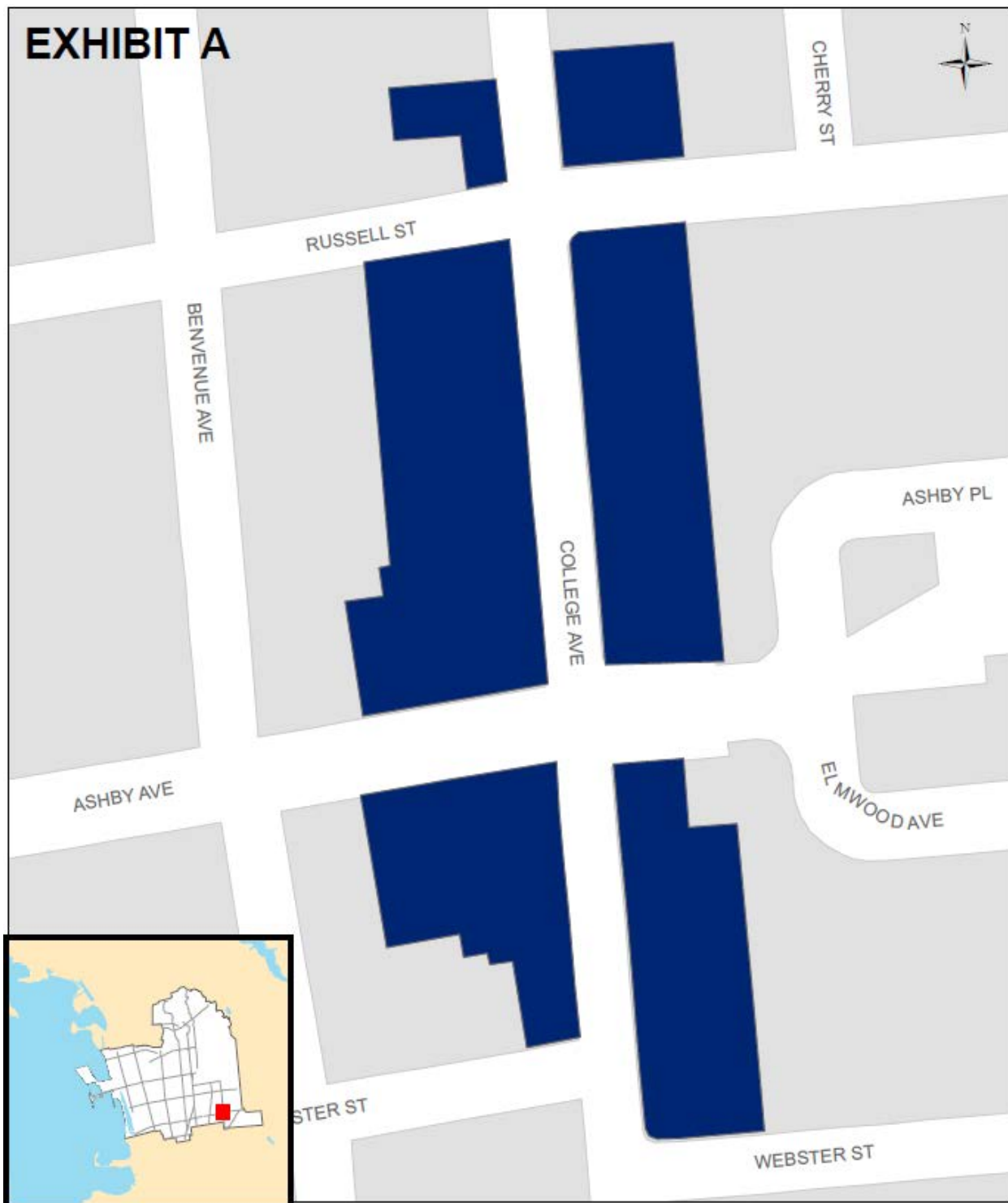
### 2023-24 Actual and Projected Expenditures Elmwood Business Association

| INCOME                                              | 2024 Budget      | 2023 Actual      |
|-----------------------------------------------------|------------------|------------------|
| <b>Operating Income</b>                             |                  |                  |
| BID Membership dues                                 | \$ 30,000        | \$ 30,000        |
| Other (Grant Income, Wine Walk Income etc.)         | \$ 5,000         | \$ -             |
| <b>Total Operating Income</b>                       | <b>\$ 35,000</b> | <b>\$ 30,000</b> |
| <b>Non-Operating Income</b>                         |                  |                  |
| Other                                               |                  |                  |
| <b>Total Non-Operating Income</b>                   |                  | <b>\$ -</b>      |
| <b>Total INCOME</b>                                 | <b>\$ 35,000</b> | <b>\$ 30,000</b> |
| <b>EXPENSES</b>                                     |                  |                  |
| <b>Advertising &amp; Marketing</b>                  |                  |                  |
| Banner Maintenance                                  | \$ 1,500         | \$ 5,199         |
| Building Light Maintenance                          | \$ 1,000         | \$ -             |
| Wine Walk production                                | \$ 4,000         | \$ -             |
| Spring event production                             | \$ 1,200         | \$ -             |
| Summer event production                             | \$ 1,000         | \$ -             |
| Web Hosting and Domains                             | \$ -             | \$ 504           |
| General Marketing, Ads, Social media                | \$ 500           | \$ 258           |
| Halloween event production                          | \$ 500           | \$ 1,130         |
| Holiday season event production (incl. tree lights) | \$ 8,000         | \$ 12,573        |
| EBA Expansion research                              | \$ 250           | \$ -             |

|                                           |                                  |                  |                  |
|-------------------------------------------|----------------------------------|------------------|------------------|
| <b>Consulting &amp; Accounting</b>        |                                  |                  |                  |
|                                           | Accounting S/W (Xero)/Tax Filing | \$ 200           | \$ 195           |
| <b>Dues and Subscriptions</b>             |                                  |                  |                  |
|                                           | Chamber of Commerce              | \$ 305           | \$ 305           |
| <b>Insurance</b>                          |                                  |                  |                  |
|                                           | Liability for EBA                | \$ 500           | \$ 500           |
|                                           | Liability for Board members      | \$ 800           | \$ 754           |
| <b>License &amp; Permits</b>              |                                  |                  |                  |
|                                           | Taxes & Licenses                 | \$ 150           | \$ 128           |
| <b>Other: Office Supplies/Annual Mtg.</b> |                                  |                  |                  |
|                                           | Printing/copy                    | \$ 650           | \$ 960           |
|                                           | Postage & Delivery (PO Box)      | \$ 250           | \$ 202           |
|                                           | Misc.                            |                  | \$ -             |
|                                           | Annual Mtg. Food/Beverage        | \$ 600           | \$ 317           |
| <b>Repairs and Maintenance</b>            |                                  |                  |                  |
|                                           | Gardening (Tree wells)           | \$ 500           | \$ -             |
|                                           | Sidewalk Cleaning (Power Wash)   | \$ 500           | \$ -             |
| <b>Professional Fees</b>                  |                                  |                  |                  |
|                                           | Legal and Professional Fees      | \$ 100           | \$ -             |
| <b>Security</b>                           |                                  |                  |                  |
|                                           | Holiday Private Security         | \$ 8,500         | \$ 7,072         |
| <b>Admin Support</b>                      |                                  |                  |                  |
|                                           | Wages                            | \$ 12,000        | \$ 9,500         |
|                                           | <b>Total Operating Expenses</b>  | <b>\$ 43,005</b> | <b>\$ 39,596</b> |

|                          |  |                   |                   |
|--------------------------|--|-------------------|-------------------|
| <b>Retained Earnings</b> |  | <b>\$ (8,005)</b> | <b>\$ (9,596)</b> |
|--------------------------|--|-------------------|-------------------|

Exhibit A1: Elmwood Business Improvement District, Map





**Exhibit A2: Elmwood Business Improvement District, Assessment Rates**

| <b>Classifications</b>                                                                                                                                                                                                                                                                                          | <b>Rates</b>                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Retail including jewelers and groceries but not restaurants<br>(Tax Codes R, M and G but without NAICS 722, Food Services and Drinking Places) <ul style="list-style-type: none"> <li>Gross receipts under \$350,000</li> <li>Gross receipts \$350,000-\$999,000</li> <li>Gross receipts \$1,000,000</li> </ul> | \$250.00 per year<br>\$350.00 per year<br>\$500.00 per year |
| Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)                                                                                                                                                                                                       | \$500.00 per year                                           |
| Professionals including offices of real estate brokers (Tax Code P) <ul style="list-style-type: none"> <li>Gross receipts under \$100,000</li> <li>Gross receipts over \$100,000</li> </ul>                                                                                                                     | \$300.00 per year<br>\$400.00 per year                      |
| Entertainment and Recreation (Tax Code E)                                                                                                                                                                                                                                                                       | \$450.00 per year                                           |
| Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)                                                                                                                                                                                                      | \$200.00 per year                                           |
| Hair, Nail and Skin Care Services (NAICS 81211)                                                                                                                                                                                                                                                                 | \$250.00 per year                                           |
| Parking lot operators                                                                                                                                                                                                                                                                                           | \$1,000.00 per year                                         |
| Financial Institutions                                                                                                                                                                                                                                                                                          | \$2,500.00 per year                                         |

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. (Ord. 7317-NS § 3 (part), 2013)





Elmwood BID Advisory Board

## ELMWOOD BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

*Kieron Slaughter*

### Minutes

**Location:** Nabolom Bakery & Pizzeria, 2708 Russell St. Berkeley, CA, 94705  
**Date:** Friday, March 1, 2019  
**Time:** 9am

#### Attendance

- Commissioners present: Julia Elliott, Joseph Aguiar, Ann Leyhe, Claudia Moudry
- Commissioner(s) absent: Mellissa Hathaway, Jason Wayman
- Staff present: Kieron Slaughter, Office of Economic Development.

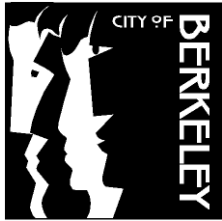
- I. **Welcome and Introductions.** Meeting called to order at 9:12am.
- II. **Public Comment.** None.
- III. **Review and Approve Minutes from September 20, 2018 meeting.** Ms. Elliott made a motion, seconded by Mr. Aquiar, to approve the minutes as presented, and the motion passed unanimously.
- IV. **Discuss southern Elmwood businesses and collaborative opportunities with the Rockridge District Association.** Chris Jackson, President of the Rockridge District Association discussed his experience and interaction with the Berkeley businesses on the board or Rockridge and the Elmwood. He also discussed the opportunity for both districts to work on a gateway sign at the border of Rockridge and the Elmwood Districts. Their priorities for Rockridge are Streetscape improvements, Security, Promotion of the district and Land Use.
- V. **Chair's Report.** Ms. Hathaway was absent so the Vice Chair, Mr. Aquiar made the report. He raised the issue and question about the BID assessment on hair stylist and staff agreed to look into it.
- VI. **Secretary's Report.** Mr. Slaughter provided an update on a variety of projects that the Office of Economic Development is working on such as Business Support Services provided by Uptima Business Bootcamp and Project-Equity. Mr. Slaughter also discussed the IKE Smart City Kiosks.
- VII. **Adjournment.** Ms. Moudry made a motion, seconded by Ms. Leyhe, to adjourn, and the motion passed unanimously. The meeting adjourned at

9:56am.



*“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 981-6346 (V) or 981-7075 (TDD) at least three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**”*

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,**



Elmwood BID Advisory Board

## ELMWOOD BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

*Kieron Slaughter*

### Minutes

**Location:** Zoom Link <https://us02web.zoom.us/j/5865012900>  
**Date:** Friday, August 21, 2020  
**Time:** 11am

#### Attendance

- Commissioners present: Ann Leyhe, Claudia Hunka, Joseph Aguiar,
- Commissioner(s) absent: Jon Moriarty
- Staff present: Kieron Slaughter, Office of Economic Development.

- I. **Welcome and Introductions.** Meeting called to order at 11:01am.
- II. **Public Comment.** None.
- III. **Review and Approve Minutes from February 21, 2020 meeting.** Mr. Aquiar made a motion, seconded by Ms. Leyhe, to approve the minutes as presented, and the motion passed unanimously.
- IV. **Review and Approve Annual Report and Budget.** Mr. Aquiar made a motion, seconded by Ms. Hunka, to approve the minutes as presented, and the motion passed unanimously.
- V. **Adopt 2021 Meeting Calendar: Feb 19, Aug 20, Nov 19.** Mr. Aquiar made a motion, seconded by Ms. Leyhe, to approve the calendar as ammended, and the motion passed unanimously.
- VI. **Chair's Report.** The Chair discussed the potential to expand the BID to the southern border and the resources it would take to officially expand the BID boundaries. In addition to the southern border, there was interest in the Derby St/College Ave businesses and the group of businesses along Claremont Ave and the Uplands. The Chair also supported installing Elmwood Banners at the southern BID border on College Ave and Alcatraz Ave.
- VII. **Secretary's Report.** Mr. Slaughter presented the following updates.
  - a. Update on Outdoor Commercial Activities – Parklets, Seating and Street Closures

- b. Introduction to Revel Scooter Share Program: Ms. Hunka requested staff to research designated parking spaces for the scooters to reduce the impacts on existing parking spaces.
- c. 3<sup>rd</sup> Party Food Delivery Service Data
- d. Officer Elections in February 2021

**VIII. Adjournment.** Mr. Aquiar made a motion, seconded by Ms. Leyhe, to adjourn, and the motion passed unanimously. The meeting adjourned at 11:45am.



*“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 981-6346 (V) or 981-7075 (TDD) at least three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**”*

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Office of the City Manager

ACTION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: Amendment: FY 2024 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,879–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments authorized since July 1, 2023, in the amount of \$258,777,491 (gross) and \$246,555,990 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 27, 2023 the City Council adopted the FY 2024 Budget, authorizing gross appropriations of \$728,631,293 and net appropriations of \$621,229,929 (net of dual appropriations).

This first amendment to the Annual Appropriations Ordinance, *if approved*, would total \$258,777,491 (gross) and \$246,555,990 (net), increasing the gross appropriations to \$987,408,784 and net appropriations to \$866,478,367 and represent the re-authorization of funding previously committed in FY 2023 and new expenditures added after the adoption of the FY 2024 Budget on June 27, 2023, including new grant fund appropriations.

Requested funding includes:

1. Encumbered contract obligations from FY 2023 totaling \$111,172,378;
2. Re-appropriated unencumbered FY 2023 funding of \$86,277,549; and
3. Changes to fund appropriations, primarily due to receipt of new grants and use of available fund balances, in the amount of \$61,327,565. *However, this amount also includes \$10,185,230 in new General Fund requests for FY 2024.*

The changes to the General Fund totals \$39,462,119 which includes encumbrances of \$16,752,951, unencumbered carryover requests of \$12,523,938, and adjustments of \$10,185,230. The Capital Improvement Fund increases by \$25,503,363 and includes encumbrances of \$7,933,891 and unencumbered carryover requests of \$17,569,472.

**BACKGROUND**

*Purpose of Amendment*

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2024. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs and other funding needs that occur after budget adoption, and transfers in accordance with Council’s fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for continuation of capital and other specific projects, and for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover or other adjustment is recommended.

FY 2023 Official Year-end closing is still pending. The FY 2023 Year-End Status report is planned for the January 16, 2024 Council meeting. However, in order to assess the amount of funding that is available for carryover and adjustment requests, a preliminary Excess Equity calculation, based on unaudited estimated actuals, was presented at the December 5, 2023 Budget and Finance Policy Committee meeting. The chart below shows the preliminary excess equity calculation (subject to change after official FY 2023 close):

| GENERAL FUND UNASSIGNED FUND BALANCE CALCULATION (EXCLUDES MEASURE P and U1)                |           |                     |
|---------------------------------------------------------------------------------------------|-----------|---------------------|
| FY 2023 Beginning Balance                                                                   | \$        | 51,358,401          |
| FY 2023 Revenues                                                                            | \$        | 259,098,037         |
| FY 2023 Expenditures                                                                        | \$        | (245,078,892)       |
| FY 2023 G. F. Encumbrances Restricted (AAO #1)                                              | \$        | (11,276,262)        |
| FY 2024 MOU -BPA Adjustment (AAO#1)                                                         | \$        | (4,300,000)         |
| Investment Interest above baseline of \$6 million to Section 115 Trust                      | \$        | (2,039,008)         |
| Investment Interest above baseline of \$6 million to GF Reserves                            | \$        | (2,039,008)         |
| Investment Interest above baseline of \$6 million to Capital                                | \$        | (2,039,008)         |
| Excess Property Transfer Tax Available for Capital/Ops/Reserves                             | \$        | (4,878,336)         |
| <b>Available Balance After Contractual and Policy Obligations</b>                           | <b>\$</b> | <b>38,805,923</b>   |
| <b>Less:</b>                                                                                |           |                     |
| FY 2023 G.F. Unencumbered Carryover (AAO #1)                                                | \$        | (12,303,938)        |
| FY 2024 Other Adjustments University Avenue Center Repayment (FY 2024 AAO#1 Adjustment)     | \$        | (813,779)           |
| FY 2024 Other Adjustments Visit Berkeley TOT (FY 2024 AAO#1 Adjustment)                     | \$        | (196,114)           |
| FY 2024 Other Adjustments Medical Transport Audit (FY 2024 AAO#1 Adjustment)                | \$        | (125,337)           |
| FY 2024 Other Adjustments Increase Utilities Cost for PRW and PW (FY 2024 AAO#1 Adjustment) | \$        | (250,000)           |
| <b>Total Other AAO#1 Request (CMO Recommendation)</b>                                       | <b>\$</b> | <b>(13,689,168)</b> |
| <b>Available Balance After Other AAO #1 Items</b>                                           | <b>\$</b> | <b>25,116,755</b>   |
| <b>Allocation to Reserves</b>                                                               | <b>\$</b> | <b>12,058,378</b>   |
| <b>Excess Equity/Revised Unassigned Remaining Fund Balance</b>                              | <b>\$</b> | <b>13,058,378</b>   |



**Carryover Process**

Departments were asked to submit information regarding the reasons for the unencumbered carryover requests to assist staff in determining which funds should be carried into FY 2024. In prior years, funds have been approved for carryover from one year to the next based on funding availability.

This report recommends approximately \$86.3 million in unencumbered carryover for Council review and approval, representing funding for priority projects and programs.

**Types of Carryover**

FY 2023 Encumbrance Rollovers, totaling \$111,172,378 reflect contractual obligations entered into in fiscal year 2023 which had not been paid as of June 30, 2023. Funding for these “encumbered” commitments is brought forward into the current fiscal year to provide for payment of these obligations. The General Fund represents around 15% of the total encumbered rollovers. The FY 2024 Adjusted Budget currently includes the carry forward of FY 2024 encumbrances, since the City is obligated to pay for these commitments.

FY 2023 Unencumbered Carryover totals \$86,277,549 and reflects the carryover of funding appropriated by the City Council for specific purposes that had not been encumbered by year-end. The unencumbered carryover for the General Fund represents around 15% of the total recommended unencumbered carryover amount and is for priority projects. Capital Improvement Fund carryovers are for continuing projects and makes up 20% of the unencumbered carryover. The remaining 65% represents carryover items in non-discretionary funds.

FY 2024 Other Adjustments total \$61,327,565 and reflect adjustments required or approved since the budget adoption. Many of these adjustments are within non-discretionary funds and reflect the appropriation of grant funding and the use of available fund balance.

The proposed changes, presented in their entirety in Exhibit A, are summarized as follows:

|                                | <b>Encumbered Recommended</b> | <b>Unencumbered Recommended</b> | <b>Other Adjustments</b> | <b>Total</b>          |
|--------------------------------|-------------------------------|---------------------------------|--------------------------|-----------------------|
| General Fund (011)             | \$ 16,752,951                 | \$ 12,523,938                   | \$ 10,185,230            | \$ 39,462,119         |
| Capital Improvement Fund (501) | \$ 7,933,891                  | \$ 17,569,472                   | \$ -                     | \$ 25,503,363         |
| All Other Funds                | \$ 86,485,536                 | \$ 56,184,139                   | \$ 51,142,335            | \$ 193,812,009        |
| <b>Total</b>                   | <b>\$ 111,172,378</b>         | <b>\$ 86,277,549</b>            | <b>\$ 61,327,565</b>     | <b>\$ 258,777,491</b> |

Below is a summary of the FY 2023 Unencumbered Carryover and the FY 2024 Adjustments for the City’s General Fund and Other Funds.

**General Fund**

The General Fund includes \$12,523,938 of recommended unencumbered carryover and \$10,185,230 of recommended other adjustments including the following allocations:

*Carryover*

- ❑ \$906,891 in the City Attorney's Office for payment of outstanding FY 2023 outside counsel invoices and funding for office and administrative expenses
- ❑ \$25,000 in the City Auditor's Office to use toward the increased cost of reclassifying of a Senior Auditor to a Payroll Audit Manager in FY 2024 to improve payroll compliance (the reclassified Audit Manager will then be included as part of the baseline budget starting in Fiscal Year 2025-2026).
- ❑ \$515,935 in the City Manager's Office for continuation of programs in Office of Economic Development including festival grants, and the Berkeley Chamber of Commerce and Visit Berkeley contracts; veterinary services within Neighborhood Services; Communications for website funding and communication tools as part of the Employer of Choice initiative and several Reimagining Public Safety items.
- ❑ \$375,000 in Finance for a Public Banking consultant, software acquisition for miscellaneous tax administration, and ERMA training
- ❑ \$825,875 in Health, Housing & Community Services carryover items include funds for Gender Violence Prevention, African American Holistic Resource Center, software maintenance and upgrade, several program outreach and studies, including Fair Work Week Business Outreach, Preference Policy Outreach, Harriet Tubman Terrace Tenant Advocacy, and Social Housing Study.
- ❑ \$396,000 in Human Resources for software contracts and advertising and marketing for recruitment related to the Employer of Choice initiative
- ❑ \$84,893 Council carryover of unspent budget in accordance with Resolution No. 70,054-N.S.
- ❑ \$1,006,000 in Non-Departmental for Berkeley Junior Jackets Field Use of \$6,000 related to the timing of the invoice and \$1 million for the Ceasefire Program
- ❑ \$177,489 in Office of the Director of Police Accountability for new office lease and costs, virtual training, and case management software
- ❑ \$242,987 in Parks, Recreation & Waterfront include funding to complete the West Campus Plaster/Filter project, Solano-Peralta Park Improvements, and camps scholarships
- ❑ \$3,073,064 in Planning for the start of or continuation of several Tier 1 items for development of specific plans, land use updates, development standards, Transportation Impact Fee Analysis and the Just Transition project
- ❑ \$84,000 in Police for the Recruitment and Retention pilot program
- ❑ \$4,709,217 in Public Works for the continuation of and/or start of capital projects, including, but not limited to, the EV Charging Station, Cameras in the Public Right of Way, and Southside Complete Streets
- ❑ \$101,588 in the Rent Stabilization Board for the Eviction Moratorium outreach

***Other Adjustments***

- ❑ \$196,114 in the City Manager's Office for the Visit Berkeley Transient Occupancy Tax Revenues contract
- ❑ \$125,337 in Fire for the Ground Emergency Medical Transport Methodology Audit (revenue offset)
- ❑ \$4,500,000 in Health, Housing & Community Services for the Russell Street Residence acquisition (Measure P funds)
- ❑ \$813,779 in Non-Departmental for the last repayment to the Workers Compensation Fund for the purchase of the University Avenue Center
- ❑ \$150,000 in Parks, Recreation, and Waterfront and \$100,000 in Public Works for increases in utilities cost
- ❑ \$4,300,000 in Police related to the Memorandum of Understanding: Berkeley Police Association adopted by City Council via Resolution No. 71,033-N.S.
- ❑ Conversion of the temporary Green Building Manager position to full-time within the Planning Department. This position is funded through August 2024 and no additional appropriation is needed at this time. However, Planning is authorized to coordinate with Human Resources to begin the process to make this position full-time and the Green Building Manager will be included as part of the baseline budget starting in Fiscal Year 2025-2026. The cost is estimated at \$257,342, which includes an estimated cost to the General Fund of \$128,671.

***Other Funds***

Other City funds totals (including capital improvement project funds) \$73,753,611 of recommended unencumbered carryover and \$51,142,335 of recommended other adjustments. Most of the recommendations consist of funding for capital projects and programming of new grants. Some of the significant carryover and adjustments in other City funds are:

***Carryover***

- ❑ \$236,666 in Climate Equity Action Fund for climate equity projects
- ❑ \$918,429 in Playground Camp Fund for Tuolumne and Echo Lake camps
- ❑ \$2,590,126 in State Transportation Tax Fund for Public Works street, sidewalk, and traffic calming projects
- ❑ \$1,138,799 in CDBG Fund for continuation of the West Berkeley Senior Center Improvements project
- ❑ \$1,038,909 in Measure B – Local Streets and Roads Fund to continue and finish Public Works Engineering and Transportation projects most notably the AC-Durant Transit Lane project and the Woolsey-Eton Traffic Calming project
- ❑ \$893,673 in Measure F – Alameda County VRF Streets and Road Fund for Public Works Sidewalk and Transportation projects
- ❑ \$5,861,638 in Measure BB – Local Streets & Roads Funds for Public Works street, sidewalk, sewer, and transportation projects, most notably the Street Rehab FY 2021 project, the Wildcat Canyon Road Repairs, Sidewalk Shaving and Sidewalk Repair programs, MLK Jr Way Vision Zero Quick Build, and Southside Complete Streets

- ❑ \$833,289 in Measure BB – Bike and Pedestrian Fund for Public Works Transportation projects
- ❑ \$905,546 in Parks Tax Fund for various Parks, Recreation & Waterfront Department capital projects currently under way that includes Ohlone Park Improvements, Civic Center Turtle Island Monument, Aquatic Park South Pathways/Parking Lot, and Grove Park Phase 2
- ❑ \$552,194 in Street Light Assessment Fund for streetlight maintenance and replacement projects and other streetlight related cost
- ❑ \$2,026,277 in UC Settlement Fund for Piedmont/Channing Traffic Circle-PED/ST, Restrooms in the ROW, and Southside Complete Streets
- ❑ \$175,000 in Private Party Sidewalks Fund for Public Works' Sidewalk programs
- ❑ \$109,276 in Operating Grants – State Fund for Future of Public Health grant fund
- ❑ \$7,614,496 in Capital Grants – Fed Fund for the Southside Complete Streets
- ❑ \$2,013,074 in Capital Grants – State Fund for several transportation projects
- ❑ \$711,842 in Capital Grants – Local Fund for Public Works and Parks, Recreation, and Waterfront capital projects
- ❑ \$2,083,092 in One Time Grant Fund for grants in City Manager's Office, Health, Housing & Community Services, Mayor and Council, Non-Departmental, Parks, Recreation & Waterfront, Planning, Police, and Public Works
- ❑ \$336,386 in Bio-Terrorism Grant Fund for Workforce Development in HHCS
- ❑ \$1,318,868 in American Rescue Plan Act Fund for ARPA approved programs
- ❑ \$17,569,472 in the Capital Improvement Fund for Non-Departmental, Parks, Recreation & Waterfront and Public Works capital projects
- ❑ \$203,450 in VOIP Replacement fund for DoIT ConvergeOne contract
- ❑ \$922,759 in Measure M – Street and Watershed Improvement Fund for the Strawberry Creek Culvert Repairs
- ❑ \$14,528,528 in Measure T1 Funds for City Manager's Office, Parks, Recreation & Waterfront Department, and Public Works Department capital projects currently under way
- ❑ \$281,417 in Measure O Housing Fund for the continuation of the Berkeley Way Observer
- ❑ \$882,412 in the Marina Fund for various Parks, Recreation, and Waterfront capital and maintenance projects
- ❑ \$1,658,403 in Sanitary Sewer Fund for Public Works sewer projects
- ❑ \$2,660,620 in Clean Storm Water Fund for Public Works storm drain projects
- ❑ \$342,425 in Workers Compensation Fund for Human Resources' Innovative Claim Solutions
- ❑ \$2,880,799 in IT Cost Allocation Fund for several Information Technology professional services contracts and projects

*Other Adjustments*

- ❑ \$10,341,497 in Affordable Housing Mitigation Fee Housing Trust Fund projects and expenses
- ❑ \$258,000 in Playground Camp Fund for special fee classes

- ❑ \$1,500,000 in Proposition 172 Fund for Police Department's DNA testing, crime lab costs and other service costs
- ❑ \$100,000 in State Transportation Tax for Traffic Maintenance Equipment and Facilities Utilities Increase
- ❑ \$142,248 in CDBG Fund for HHCS Program Manager II and Community Service Specialist I
- ❑ \$1,380,537 in Measure B – Local Streets and Roads for Public Works streets and transportation capital projects
- ❑ \$1,708,969 in in Parks Tax Fund for Parks Minor Maintenance, memorial benches, and capital projects
- ❑ \$800,000 in Measure GG Fire Preparation Tax Fund for the Fire Station Emergency Alerting System
- ❑ \$200,000 in Street Light Assessment Fund for additional non-personnel streetlight operating cost
- ❑ \$163,000 in Bayer Fund for EEMP 2021 Trees Make Life Better project
- ❑ \$1,585,000 in Cultural Trust Fund for City Manager's Office OED's various public art projects
- ❑ \$700,000 in Private Party Sidewalks Fund for the FY 2024 Sidewalk Repairs Program
- ❑ \$169,028 in Health State Aid Realignment Fund for a Health Educator
- ❑ \$253,424 in Mental Health State Aid Realignment Fund for Mental Health program contracts and services
- ❑ \$150,000 in Citizens Options Fund for various contracts for support of police operations
- ❑ \$825,000 in Measure FF Fund for various Fire Department contracts and vehicle cost
- ❑ \$1,125,036 in Operating Grants – State for HHCS for Future of Public Health grant and staffing cost
- ❑ \$5,143,685 in Capital Grants – Local for the Berkeley Pier with Ferry Access project
- ❑ \$269,000 in OTS DUI Enforcement Fund for Office of Traffic Safety grant
- ❑ \$205,537 in ESG Fund for Pathways STAIR Center Bay Area Community Services contract
- ❑ \$1,356,824 in Health (General) Fund for several Public Health program services
- ❑ \$298,389 in Targeted Case Management/Linkages Fund for several Public Health and Aging services
- ❑ \$2,883,866 in Mental Health Services Act Fund for several Mental Health services and contracts
- ❑ \$1,520,000 in Health (Short/Doyle) Fund for Contract for psychiatry services
- ❑ \$131,468 in Vector Control Fund for the Vector Control program
- ❑ \$153,949 in Alameda County Grants Fund for several Public Health services
- ❑ \$7,435,351 in One-Time Grant Fund for the City Manager's Office (Rodeway Inn Lease costs and 1619 University Avenue Campus Motel), HHCS, Non-Departmental (San Francisco Foundation additional grant to support the

Equitable Black Berkeley Initiative), PRW (Berkeley Pier with Ferry Access Project), Police, and Public Works

- ❑ \$78,518 in Shelter+Care HUD Fund for staffing cost
- ❑ \$1,000,000 in American Rescue Plan Act Fund for Housing Retention Program
- ❑ \$1,608,280 in Measure T1 Funds for City Manager's Office and Public Works Department capital projects currently under way
- ❑ \$6,009,900 in Coastal Conservancy Grant Fund for Parks, Recreation, and Waterfront projects (South Cove West Parking Lot, Cesar Chavez Park Pathway, and Berkeley Pier with Ferry Access Project)
- ❑ \$145,735 in Marina Fund for capital project and operating cost increase
- ❑ \$132,935 in Permit Service Center for staffing cost and parking cost increase
- ❑ \$300,000 in Building Maintenance Fund for expenses related to roofing repairs and HVAC Repairs
- ❑ \$196,097 in Berkeley Tourism Business Improvement District Fund for Visit Berkeley Tourism BID contract
- ❑ \$330,388 in several Business Improvement District Funds

This report has been discussed with the Budget & Finance Policy Committee at their October 12, 2023, October 26, 2023, November 16, 2023, and December 5, 2023 meetings.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

#### RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the FY 2024 Adopted Budget, re-appropriating funds from FY 2023 to FY 2024 for contractual commitments that need to be paid and revising the budget to reflect approved carryover requests in both discretionary and non-discretionary funds.

The recommendations in this report deal with the unencumbered carryover in the funds listed above and the other adjustments in all funds. Staff has conducted a detailed analysis of the individual carryover requests submitted by departments and is presenting carryover recommendations for projects that are either currently under contract, represent Council priorities, and/or are considered critical to fund at this time.

#### CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000  
Maricar Dupaya, Senior Management Analyst, City Manager's Office, 981-7000

Amendment: FY 2024 Annual Appropriations Ordinance

ACTION CALENDAR  
December 12, 2023

Attachments:

1: Ordinance

Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund

2: FY 2023 Recommended Carryover and FY 2024 Recommended Adjustments  
(AAO#1)

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,879–N.S. FOR FISCAL YEAR 2024

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2024 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 324,526,370        |
| B. Special Funds (Funds 100-199)               | 174,417,654        |
| C. Grant Funds (Funds 300-399)                 | 102,695,009        |
| D. Capital Projects Funds (Funds 500-550)      | 106,415,056        |
| E. Debt Service Fund (Funds 551-599)           | 13,363,356         |
| F. Enterprise Funds (Funds 600-669)            | 190,692,317        |
| G. Internal Service Funds (Funds 146, 670-699) | 61,386,668         |
| H. Successor Agency (Funds 760-769)            | 57,120             |
| I. Agency Funds (Funds 771-799)                | 5,832,143          |
| J. Other Funds (Funds 800-899)                 | 8,023,092          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 324,526,370        |
| Add: Total Other Than General Fund             | 662,882,414        |
| <b>Gross Revenue Appropriated</b>              | <b>987,408,784</b> |
| Less: Dual Appropriations                      | -59,543,749        |
| Less: Revolving/Internal Service Funds         | -61,386,668        |
| <b>Net Revenue Appropriated</b>                | <b>866,478,367</b> |



Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From Gilman Sports Field Fund to Gilman Field Reserve Fund
- e. From Measure FF Fund to Paramedic Tax Fund.
- f. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- g. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- h. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- i. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- j. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- k. To Catastrophic Loss Fund from Permit Service Center Fund.
- l. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- m. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building

Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.

- n. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- o. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- p. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- q. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- r. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

- s. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.
- t. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities

Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- u. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

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 Council Chambers, 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.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2024****REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

**Revolving/Internal Service Funds**

|                                           |                      |
|-------------------------------------------|----------------------|
| Employee Training Fund                    | 965,714              |
| Equipment Replacement Fund                | 10,941,342           |
| Equipment Maintenance Fund                | 10,002,972           |
| Building Maintenance Fund                 | 5,147,045            |
| Central Services Fund                     | 418,963              |
| Workers' Compensation Fund                | 6,809,961            |
| Public Liability Fund                     | 4,852,080            |
| Information Technology Fund               | 22,248,591           |
| Subtotal Revolving/Internal Service Funds | <u>\$ 61,386,668</u> |

**Dual Appropriations**

## Transfers to the General Fund

|                                       |                     |
|---------------------------------------|---------------------|
| <u>Indirect Cost Reimbursement</u>    |                     |
| CDBG Fund                             | 176,194             |
| Street Light Assessment District Fund | 169,639             |
| One-Time Grant: No Cap Exp            | 95,000              |
| Zero Waste Fund                       | 2,827,863           |
| Marina Enterprise Fund                | 423,813             |
| Sanitary Sewer Fund                   | 1,391,256           |
| Clean Storm Water Fund                | 245,033             |
| Permit Service Center Fund            | 2,204,064           |
| Unified Program (CUPA) Fund           | 86,575              |
| Subtotal Transfers to General Fund:   | <u>\$ 7,619,437</u> |

|                                                                              |                       |
|------------------------------------------------------------------------------|-----------------------|
| Transfer to Safety Members Pension Fund from General Fund                    | 551,804               |
| Transfer to Measure U1 Fund from General Fund                                | 5,900,000             |
| Transfer to PERS Savings Fund from General Fund                              | 2,000,000             |
| Transfer to Health State Aid Realignment from General Fund                   | 1,953,018             |
| Transfer to Fair Election Fund from General Fund                             | 612,210               |
| Transfer to Capital Improvement Fund (CIP) from General Fund                 | 18,370,905            |
| Transfer to Phone System Replacement - VOIP from General Fund                | 449,408               |
| Transfer to Equipment Replacement Fund from General Fund                     | 1,081,699             |
| Transfer to Public Liability Fund from General Fund                          | 3,895,888             |
| Transfer to Catastrophic Loss Fund from General Fund                         | 6,278,457             |
| Transfer to IT Cost Allocation Fund from General Fund                        | 71,335                |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund | 400,136               |
| Transfer to Sick Leave Entitlement Fund from General Fund                    | 201,501               |
| Transfer to General Fund from Health State Aid Realignment Fund              | 2,643,280             |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund          | 757,925               |
| Transfer to General Fund from Amercian Rescue Plan Fund                      | 3,255,743             |
| Transfer from CIP Fund to PERS Savings Fund                                  | 151,632               |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund       | 499,802               |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                     | 402,613               |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                       | 90,501                |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund           | 50,555                |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund          | 5,082                 |
| Transfer to General Fund from Parking Meter Fund                             | 1,742,288             |
| Transfer to General Fund from IT Cost Allocation Fund                        | 450,613               |
| Transfer to First Source Fund from Parks Tax Fund                            | 6,675                 |
| Transfer to First Source Fund from Capital Improvement Fund                  | 29,943                |
| Transfer to First Source Fund from Marina Fund                               | 2,625                 |
| Transfer to Public Art Fund from Parks Tax Fund                              | 11,681                |
| Transfer to Public Art Fund from Capital Improvement Fund                    | 52,400                |
| Transfer to Public Art Fund from Marina Fund                                 | 4,594                 |
| Subtotal Transfers to Other Funds:                                           | <u>51,924,313</u>     |
| Sub-Total Dual Appropriations                                                | \$ 59,543,749         |
| <b>Grand Total Dual Appropriations</b>                                       | <b>\$ 120,930,417</b> |







## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # | Fund                               | FY 2024<br>Adopted | 1st AAO                 |                        |                      | FY 2024<br>Revised #1 |                 |
|----------------|------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------------|-----------------|
|                |                                    |                    | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments |                       | Total<br>Amend. |
|                | Dual Appropriations                | (58,350,511)       | -                       | -                      | -                    | (59,543,749)          |                 |
|                | Revolving & Internal Service Funds | (49,050,853)       | (8,698,277)             | (3,223,224)            | (300,000)            | (12,221,502)          | (61,386,668)    |
|                | NET EXPENDITURE:                   | 621,229,929        | 102,474,100             | 83,054,324             | 61,027,565           | 246,555,990           | 866,478,367     |

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**FY 2023 Unencumbered Carryover and FY 2024 Adjustments (AAO#1)**

| Item # | Fund # | Fund Name    | Department            | Carryover Request | Adjustment Request | Project Number                             | Description/Project name                                                | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                 |
|--------|--------|--------------|-----------------------|-------------------|--------------------|--------------------------------------------|-------------------------------------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | 011    | General Fund | City Attorney         | 50,720            |                    |                                            | Office furniture                                                        | 959          | Y                 | 011-31-302-000-0000-000-411-664130- |                 |                       |                      | Carryover funding for office furniture for the City Attorney's Office                                                                                                                                                                  |
| 2      | 011    | General Fund | City Attorney         | 134,447           |                    |                                            | Unspent misc. office/travel/admin expenses                              |              |                   |                                     |                 |                       |                      | Apply to Corresponding Line Items in FY 2024 Budget                                                                                                                                                                                    |
| 3      | 011    | General Fund | City Attorney         | 721,724           |                    |                                            | Outstanding Outside Counsel Invoices from 2023                          |              |                   |                                     |                 |                       |                      | Invoices unpaid from 2023 (salary savings)                                                                                                                                                                                             |
| 4      | 011    | General Fund | City Auditor          | 25,000            |                    |                                            | Reclass of Senior Auditor to Payroll Audit Manager position             |              |                   | 011-12-123-000-0000-000-411-511110  |                 |                       |                      | To improve payroll compliance, reclass Senior Auditor for higher position of Audit Manager to staff new Payroll Audit Compliance Program; to be met with salary savings for FY24; ongoing costs starting in FY25.                      |
| 5      | 011    | General Fund | City Manager's Office | 41,685            |                    |                                            | Festival Grant Budget                                                   | 361          | Y                 | 011-21-208-252-0000-000-446-636110- |                 |                       | X                    | Carryover funds (from Mayor's Office) to increase Festival Grant Budget allocation. Approved by Council on 06/27/20223 through Resolution No. 70.936-N.S.                                                                              |
| 6      | 011    | General Fund | City Manager's Office | 43,500            |                    |                                            | Berkeley Chamber of Commerce contract                                   | 1126         | Y                 | 011-21-208-251-0000-000-446-612990- |                 |                       | X                    | Carryover for contract with the Berkeley Chamber of Commerce to business network, industry sector and commercial district support                                                                                                      |
| 7      | 011    | General Fund | City Manager's Office |                   | 196,114            |                                            | Visit Berkeley TOT Revenue contract                                     | 345          | Y                 | 011-21-208-251-0000-000-446-636110- |                 |                       | X                    | Appropriate additional Transient Occupancy Tax Revenues received in FY 2023 for the Visit Berkeley TOT contract                                                                                                                        |
| 8      | 011    | General Fund | City Manager's Office | 15,000            |                    |                                            | Language Equity                                                         |              |                   | 011-21-201-000-0000-000-412-720003- |                 |                       | X                    | Carryover FY 2023 Tier 1 funding for language equity                                                                                                                                                                                   |
| 9      | 011    | General Fund | City Manager's Office | 50,000            |                    |                                            | Website funding                                                         |              |                   | 011-21-201-000-0000-000-412-612990- |                 |                       | X                    | Carryover to address unanticipated needs for the website                                                                                                                                                                               |
| 10     | 011    | General Fund | City Manager's Office | 200,000           |                    |                                            | Employer of Choice                                                      |              |                   | 011-21-201-000-0000-000-412-612990- |                 |                       | X                    | Carryover to be used to formalize tools to help staff better communicate with the public.                                                                                                                                              |
| 11     | 011    | General Fund | City Manager's Office | 65,750            |                    |                                            | Relief veterinarian                                                     |              |                   | 011-21-203-000-0000-000-424-612410  |                 |                       | X                    | Coverage for veterinary services while BACS vet is on maternity leave                                                                                                                                                                  |
| 12     | 011    | General Fund | City Manager's Office | 100,000           |                    |                                            | Grant Assistance                                                        |              |                   | 011-21-201-000-0000-000-412-720003- |                 |                       | X                    | Carryover FY 2023 Tier 1 funding for Reimagining Public Safety Grant Assistance                                                                                                                                                        |
| 13     | 011    | General Fund | Finance               | 75,000            |                    |                                            | Public Banking Consultant                                               |              |                   | 011-33-321-326-0000-000-412-612990- |                 |                       | X                    | To advise Finance Department on regulatory and other issues related to formation and operation of a Public Bank.                                                                                                                       |
| 14     | 011    | General Fund | Finance               | 200,000           |                    |                                            | ERMA Training                                                           |              |                   | 011-33-321-327-0000-000-412-612990- |                 |                       | X                    | Development and delivery of hands-on training for City staff on processes and financial and fiscal analysis in Tyler Enterprise ERP/ERMA. To include durable training materials, cheat sheets, new employee how-to guides.             |
| 15     | 011    | General Fund | Finance               | 100,000           |                    |                                            | Misc. Tax Administration                                                |              |                   | 011-33-322-332-0000-000-412-612990- |                 |                       | X                    | Acquisition of Software System to administer Transient Occupancy, Parking Lot, Utility User, and other taxes currently being managed on spreadsheets, making auditing and analysis of historical trends and payment history difficult. |
| 16     | 011    | General Fund | Fire                  |                   | 125,337            |                                            | Ground Emergency Medical Transport Methodology Audit                    | 795          | Y                 | 011-72-742-831-0000-000-422-612990  |                 |                       | X                    | Revenues from Ground Emergency Medical Transport cost reports for audit of new methodology to determine if City can receive remaining balance due.                                                                                     |
| 17     | 011    | General Fund | HHCS                  | 220,000           |                    | HHOGFD2302-NONPERSONN-OPERATING-CONTRACT   | Gender Violence CSSII - Council Referral                                |              |                   | 011-51-501-501-5002-000-451-511110- |                 |                       | X                    | CSSII salary to support Gender Violence Prevention council referral                                                                                                                                                                    |
| 18     | 011    | General Fund | HHCS                  | 52,037            |                    | HHOGFH2301-NONPERSONN-OPERATING-MISCPROFSV | African American Holistic Resource Center Carryforward of unspent funds |              |                   | 011-51-501-501-0000-000-451-612990- |                 |                       | X                    | GF carryforward request to fund African American Holistic Resource Center activities                                                                                                                                                   |

| Item # | Fund # | Fund Name    | Department      | Carryover Request | Adjustment Request | Project Number | Description/Project name                         | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------|--------|--------------|-----------------|-------------------|--------------------|----------------|--------------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19     | 011    | General Fund | HHCS            |                   | 4,500,000          |                | Russell Street Residence Acquisition             | 470          | Y                 | 011-51-504-533-5002-000-444-685110- |                 | X                     |                      | Appropriate Measure P Funds for the Russell Street Residence Acquisition. Approved by Council on 6/13/23 through Resolution 70,890-N.S.                                                                                                                                                                                                                                                                                    |
| 20     | 011    | General Fund | HHCS            | 10,280            |                    |                | City Data Services                               |              |                   | 011-51-504-535-0000-000-444-613130  |                 |                       | X                    | City Data Services software costs associated with Eviction Defense Center Rental Subsidy tracking and reporting program for FY24. This is requested from GF due to the fact that the funding for the program (\$2 million) for FY24 is coming from the GF. The program receives regular requests from Council on spending and demographics of the population, this tool is essential in responding to Council's inquiries. |
| 21     | 011    | General Fund | HHCS            | 11,068            |                    |                | Housing Portal Geocoding Feature                 |              |                   | 011-51-504-533-2030-000-444-612990  |                 |                       | X                    | Necessary expenditure contract (regional effort in coordination with AC and Oakland) to support the implementation of the 7/25 council adopted preference policy. While not specifically approved in conjunction with the ordinance, it is necessary to be able to correctly utilize the housing portal.                                                                                                                   |
| 22     | 011    | General Fund | HHCS            | 32,490            |                    |                | NextGen Upgrade                                  |              |                   | 011-51-506-555-0000-000-444-612990- |                 |                       | X                    | This is a GF carryover request to support the electronic health record upgrade essential for the efficient operations and documentation of the clinical services in HHCS. The implementation of the upgrade in FY23 was delayed due to contract negotiations.                                                                                                                                                              |
| 23     | 011    | General Fund | HHCS            | 50,000            |                    |                | Fair Work Week Biz Outreach                      |              |                   | 011-51-504-532-2026-000-444-612990  |                 |                       | X                    | Council directed funds to be used through the FY23 AAO #1 Ordinance No. 7,851-N.S. on January 17 2023. The funding was included as part of the adoption of the ordinance.                                                                                                                                                                                                                                                  |
| 24     | 011    | General Fund | HHCS            | 50,000            |                    |                | Preference Policy Outreach and Education Partner |              |                   | 011-51-504-533-2027-000-444-612990  |                 |                       | X                    | To fund Community Partner (HBF) for outreach and education on the preference policy (PP). While a specific amount of funding wasn't included in the PP adoption, the staff report was clear that partnering with a community partner for outreach was an essential component of successful implementation of the PP. The PP was adopted on 7/11 - Reso # 70960                                                             |
| 25     | 011    | General Fund | HHCS            | 100,000           |                    |                | Harriet Tubman Terrace Tenant Advocacy           |              |                   | 011-51-504-533-0000-000-444-612990  |                 |                       | X                    | To fund a tenant advocate at the Harriet Tubman Terrace affordable Senior Housing Development. This was a council referral from FY23 (AAO2). The contract with 2+1 was approved by council on 7/25 and the contract is currently being routed for city signature.                                                                                                                                                          |
| 26     | 011    | General Fund | HHCS            | 300,000           |                    |                | Social Housing Study                             |              |                   | 011-51-504-533-2027-000-444-612990  |                 |                       | X                    | Council priority - deferred to AAO1 in budget. The funding was budgeted in FY23 per Council referral. The RFP was released in April of 2023, and the contract is scheduled for September 2023 council meeting for approval.                                                                                                                                                                                                |
| 27     | 011    | General Fund | Human Resources | 45,000            |                    |                | GovInvest                                        |              |                   | 011-34-343-000-0000-000-412-612990- |                 |                       | X                    | Labor Negotiations for Fire and Police move money to FY 2022 to pay for contract amendment in the amount approved Council Resolution 70,757 for contract NTE \$200K                                                                                                                                                                                                                                                        |
| 28     | 011    | General Fund | Human Resources | 101,000           |                    |                | HR Acuity                                        |              |                   | 011-34-344-000-0000-000-412-613130- |                 |                       | X                    | EEO Investigative Software to move money to FY 2024 to pay for contract amendment in the amount approved Council Resolution 70, 716-N.S., for contract NTE \$189,000                                                                                                                                                                                                                                                       |
| 29     | 011    | General Fund | Human Resources | 250,000           |                    |                | Employer of Choice - Advertising and Marketing   |              |                   | 011-34-341-000-0000-000-412-612990- |                 |                       | X                    | Carryover funding for the advertising and marketing for the Employer of Choice program                                                                                                                                                                                                                                                                                                                                     |

| Item # | Fund # | Fund Name    | Department                                      | Carryover Request | Adjustment Request | Project Number | Description/Project name                              | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                 |
|--------|--------|--------------|-------------------------------------------------|-------------------|--------------------|----------------|-------------------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 30     | 011    | General Fund | Mayor & Council                                 | 84,893            |                    |                | FY 2023 Council Carryover                             |              |                   | 011-11-101:108-various              |                 | X                     |                      | FY23 Council Carryover Amount. Approved by Council through Resolution No. 70,054-N.S.                                                  |
| 31     | 011    | General Fund | Non-Departmental                                | 6,000             |                    |                | Berkeley Junior Jackets Field Use                     | 492          | Y                 | 011-99-900-900-0000-000-412-636110  |                 | X                     |                      | Carryover funds for the Berkeley Junior Jackets Field Use. Approved in FY 2023 AAO #1                                                  |
| 32     | 011    | General Fund | Non-Departmental                                | 1,000,000         |                    |                | Ceasefire Program Staffing                            |              |                   | 011-21-201-000-0000-000-412-720003- |                 |                       | X                    | Carryover FY 2023 Tier 1 funding for the Ceasefire Program                                                                             |
| 33     | 011    | General Fund | Non-Departmental                                |                   | 813,779            |                | University Ave Center Repayment                       |              |                   |                                     |                 | X                     |                      | Appropriate funding for the last repayment to the Workers Comp fund for the purchase of the University Ave Center (former Premier Cru) |
| 34     | 011    | General Fund | Office of the Director of Police Accountability | 20,000            |                    |                | New Office Furniture (1X Expense)                     |              |                   |                                     |                 |                       |                      | Need to obtain quote based on approved office location space.                                                                          |
| 35     | 011    | General Fund | Office of the Director of Police Accountability | 20,000            |                    |                | New Office IT Reconfiguration (1X)                    |              |                   |                                     |                 |                       |                      | Carryover funding to pay for ODP's IT reconfiguration for their new office                                                             |
| 36     | 011    | General Fund | Office of the Director of Police Accountability | 27,295            |                    |                | New Office Location cost difference                   |              |                   |                                     |                 |                       |                      | Needs to account for the existing item for office location (don't need the full carryover listed, just the difference.                 |
| 37     | 011    | General Fund | Office of the Director of Police Accountability | 52,076            |                    |                | Case management software/ complaints portal           |              |                   |                                     |                 |                       |                      | The total is the amount for the 5 years not an annual amount.                                                                          |
| 38     | 011    | General Fund | Office of the Director of Police Accountability | 58,118            |                    |                | VIRTRA-Virtual training simulator (1X Expense)        |              |                   |                                     |                 |                       |                      | Able to adjust the system to obtain lower cost                                                                                         |
| 39     | 011    | General Fund | Parks, Recreation, and Waterfront               | 10,276            |                    | PRWPK22005     | West Campus Plaster/Filters                           | 925          | Y                 | 011-52-545-000-0000-000-461-663110- |                 |                       | X                    | Carryover to complete West Campus pool project                                                                                         |
| 40     | 011    | General Fund | Parks, Recreation, and Waterfront               | 80,000            |                    | PRWPK22018     | Solano-Peralta Park Improvements                      | 915          | Y                 | 011-52-545-000-0000-000-461-663110- |                 |                       | X                    | Carryover to install play equipment at Solano Peralta Park.                                                                            |
| 41     | 011    | General Fund | Parks, Recreation, and Waterfront               | 152,711           |                    |                | Camps Scholarships                                    |              |                   | 011-52-541-598-0000-000-461-720003- |                 |                       | X                    | Carryover to cover the cost of camp scholarships per the new City policies, along with camp DEI programs                               |
| 42     | 011    | General Fund | Parks, Recreation, and Waterfront               |                   | 150,000            |                | Increase Utilities Cost                               |              |                   |                                     |                 |                       | X                    | Adjustment to add funds for increased PG&E and EBMUD costs                                                                             |
| 43     | 011    | General Fund | Planning                                        | 3,064             |                    |                | Tier 1 Municipal Building Energy Policy               | 433          |                   | 011-53-583-611-0000-000-441-612990- |                 |                       | X                    | Carry forward unencumbered balance; project is ongoing                                                                                 |
| 44     | 011    | General Fund | Planning                                        | 20,000            |                    |                | BESO Implementation Funds                             | 451          |                   | 011-53-583-611-0000-000-441-612990- |                 |                       | X                    | Carry forward unencumbered balance; project is ongoing                                                                                 |
| 45     | 011    | General Fund | Planning                                        | 100,000           |                    |                | Tier 1 Transportation Impact Fee Analysis             | 400          |                   | 011-53-584-622-0000-000-441-612990- |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                |
| 46     | 011    | General Fund | Planning                                        | 150,000           |                    |                | Tier 1 San Pablo Specific Plan                        | 545          |                   | 011-53-584-622-0000-000-441-612990- |                 |                       | X                    | Carryover funding for the San Pablo Area Plan project                                                                                  |
| 47     | 011    | General Fund | Planning                                        | 200,000           |                    |                | Pacific Steel CEQA Rezoning                           | 391          |                   | 011-53-584-622-0000-000-441-612990- |                 |                       | X                    | \$50K has already been encumbered on Contract # 32000007, PO # 22401025; the balance of \$100K should be carried forward.              |
| 48     | 011    | General Fund | Planning                                        | 300,000           |                    |                | Tier 1 BART Stations Area Plan                        | 396          | Y                 | 011-53-584-622-0000-000-441-612990- |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                |
| 49     | 011    | General Fund | Planning                                        | 300,000           |                    |                | Tier 1 Land Use Safety & Environmental Justice Update | 399          |                   | 011-53-584-622-0000-000-441-612990- |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                |

| Item # | Fund #           | Fund Name             | Department               | Carryover Request | Adjustment Request | Project Number | Description/Project name                                         | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                       | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                       |
|--------|------------------|-----------------------|--------------------------|-------------------|--------------------|----------------|------------------------------------------------------------------|--------------|-------------------|--------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50     | 011              | General Fund          | Planning                 | 350,000           |                    |                | Tier 1 ZORP Phase II Revisions / Objective Development Standards | 401          |                   | 011-53-584-622-0000-000-441-612990-                                                  |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                                                      |
| 51     | 011              | General Fund          | Planning                 | 150,000           |                    |                | Tier 1 Economic Feasibility Analysis                             | 354          |                   | 011-53-584-622-0000-000-441-612990-                                                  |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                                                      |
| 52     | 011              | General Fund          | Planning                 | 1,500,000         |                    |                | Just Transition Project                                          | 355          |                   | 011-53-583-611-0000-000-441-612990-                                                  |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                                                      |
| 53     | 011              | General Fund          | Police                   | 84,000            |                    |                | Recruitment & Retention Payments                                 |              |                   | 011-71-701-801-0000-000-421-720003-                                                  |                 |                       | X                    | Dollar amount required to support FY23 associated Recruitment & Retention payments accrued but not issued until FY24                                                         |
| 54     | 011              | General Fund          | Police                   |                   | 4,300,000          |                | MOU - BPA                                                        |              |                   |                                                                                      |                 | X                     |                      | Appropriate funding for the cost of the new Memorandum of Understanding: Berkeley Police Association. Adopted by City Council via spec no                                    |
| 55     | 011              | General Fund          | Public Works             | 68,030            |                    | PWENBM2104     | OCH & Vets Bldg. Leak Repairs                                    | 411          | Y                 | 011-54-623-677-0000-000-444-612990/ 524110/ 637110                                   |                 |                       | X                    | To continue and complete the project                                                                                                                                         |
| 56     | 011              | General Fund          | Public Works             | 19,500            |                    | PWENBM2312     | Old City Hall Fire Sprinklers                                    | 325          | Y                 | 011-54-523-677-0000-000-444-612310-                                                  |                 |                       | X                    | Carryover funding to pay for project invoices                                                                                                                                |
| 57     | 011              | General Fund          | Public Works             | 16,803            |                    | PWENCB2102     | PSB COOLING REDUNDANCY                                           | 427          | Y                 | 011-54-623-677-0000-000-444-various-                                                 |                 |                       | X                    | Carryover funding to complete project                                                                                                                                        |
| 58     | 011              | General Fund          | Public Works             | 163,306           |                    | PWENCB2312     | WBSC Improvements                                                |              |                   | 011-54-623-677-0000-000-444-511110 & 662110-                                         |                 |                       | X                    | Carryover for the WBSC Improvements project                                                                                                                                  |
| 59     | 011              | General Fund          | Public Works             | 1,450,000         |                    | PWENEN2001     | EV Charging Station                                              | 1445         |                   | 011-54-623-677-0000-000-444-663110-                                                  |                 |                       | X                    | Carryover funding for the continuation of the EV Charging Station project                                                                                                    |
| 60     | 011              | General Fund          | Public Works             | 1,293,889         |                    | PWFME2202      | Cameras in the Public Right of Way                               | 617          | Y                 | 011-54-624-694-0000-000-412-511110- & 612990-                                        |                 |                       | X                    | Carryover for Cameras in the Public Right of Way project. \$643,899 will be reallocated to Measure T1 projects funding gap                                                   |
| 61     | 011              | General Fund          | Public Works             | 109,894           |                    | PWSUCW1901     | Fire Safety & Prevention                                         | 621          |                   | 011-54-623-674-0000-000-431-665110-                                                  |                 |                       | X                    | Carryover for the Fire Safety & Prevention project                                                                                                                           |
| 62     | 011              | General Fund          | Public Works             | 4,475             |                    | PWT1SW2202     | T1 Ph2 Pathway Repairs                                           | 1651         | Y                 | 011-54-623-674-0000-000-431-665110                                                   |                 |                       | X                    | Needed for Contract Change order - Active Construction project                                                                                                               |
| 63     | 011              | General Fund          | Public Works             | 1,000,000         |                    | PWTRCS2001     | Southside Complete Streets                                       | 359          | Y                 | 011-54-622-668-0000-000-431-665110-                                                  |                 |                       | X                    | To continue and complete the project                                                                                                                                         |
| 64     | 011              | General Fund          | Public Works             | 330,120           |                    | PWTRCS2303     | AC-Durant Transit Lane Project                                   | 664          | Y                 | 011-54-622-668-0000-000-431-665110-                                                  |                 |                       | X                    | Carryover Tier 1 funding for the AC-Durant Transit Lane project.                                                                                                             |
| 65     | 011              | General Fund          | Public Works             | 153,200           |                    | PWTRTC1301     | Traffic Calming                                                  | 1533         | Y                 | 011-54-622-668-0000-000-431-665110-                                                  |                 |                       | X                    | Unencumbered carryover to continue project                                                                                                                                   |
| 66     | 011              | General Fund          | Public Works             | 100,000           |                    |                | Dwight Triangle T/C                                              | 1536         | Y                 | 011-54-622-668-0000-000-431-665110-                                                  |                 |                       | X                    | Carryover Tier 1 City Council Referral                                                                                                                                       |
| 67     | 011              | General Fund          | Public Works             |                   | 100,000            |                | Increase Utilities Cost                                          |              |                   |                                                                                      |                 |                       | X                    | Cost of current utilities and cover utilities increases at Facilities not covered by the Building Maintenance Fund (Old City Hall, Veterans Bldg., University Avenue Center) |
| 68     | 011              | General Fund          | Rent Stabilization Board | 25,688            |                    |                | Eviction Moratorium                                              | 156          | Y                 | 011-13-131-000-0000-000-444-612990-                                                  |                 | X                     |                      | Carryover funding for the ongoing Eviction Moratorium outreach program per Council and Rent Board                                                                            |
| 69     | 011              | General Fund          | Rent Stabilization Board | 75,900            |                    |                | Eviction Moratorium                                              | 578          | Y                 | 011-13-131-000-0000-000-444-635110- and 641120                                       |                 | X                     |                      | Carryover funding for the ongoing Eviction Moratorium outreach program per Council and Rent Board                                                                            |
|        | <b>011 Total</b> |                       |                          | <b>12,523,938</b> | <b>10,185,230</b>  |                |                                                                  |              |                   |                                                                                      |                 |                       |                      |                                                                                                                                                                              |
| 70     | 017              | Climate Equity Action | Planning                 | 236,666           |                    |                | Climate Equity Projects                                          | 284          | Y                 | 017-53-583-611-0000-000-441-612990-                                                  |                 |                       | X                    | Carry forward unencumbered balance; project is ongoing                                                                                                                       |
|        | <b>017 Total</b> |                       |                          | <b>236,666</b>    | <b>-</b>           |                |                                                                  |              |                   |                                                                                      |                 |                       |                      |                                                                                                                                                                              |
| 71     | 103              | Library - Grants      | Library                  |                   | 34,665             |                | California Library Literacy Services (CLLS) grant                | 1380         | Y                 | 103-22-242-284-0000-000-463-512110 and 103-22-242-274-0000-000-463-511110 and 612990 |                 |                       | X                    | Carryover funding for the California Library Literacy Services (CLLS) grant budget for the 2023-2024 program period                                                          |

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**FY 2023 Unencumbered Carryover and FY 2024 Adjustments (AAO#1)**

| Item # | Fund #           | Fund Name                         | Department                        | Carryover Request | Adjustment Request | Project Number                                                                                       | Description/Project name                           | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                                                    | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                          |
|--------|------------------|-----------------------------------|-----------------------------------|-------------------|--------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------|-------------------|-------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <b>103 Total</b> |                                   |                                   | -                 | <b>34,665</b>      |                                                                                                      |                                                    |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                 |
| 72     | 104              | Library - Friends & Gifts         | Library                           |                   | 25,000             | LB2403                                                                                               | All Day Staff Meeting                              | 1372         | Y                 | 104-22-241-261-0000-000-463-644110-                                                                               |                 |                       | X                    | Appropriate fund for the Berkeley Public Library All Day Staff Meeting event.                                                                                   |
|        | <b>104 Total</b> |                                   |                                   | -                 | <b>25,000</b>      |                                                                                                      |                                                    |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                 |
| 73     | 111              | Fund Raising Activities           | HHCS                              |                   | 8,000              | HHADMO2301-NONPERSONN-CONSULTANT<br>HHADMO2301-NONPERSONN-PRINTING                                   | FY24 MOW DONATIONS                                 |              |                   | 111-51-505-549-2044-000-444-612990-<br>111-51-505-549-2044-000-444-635110-                                        |                 |                       | X                    | Appropriate FY24 MOW Donations Fund Balance                                                                                                                     |
| 74     | 111              | Fund Raising Activities           | HHCS                              |                   | 30,000             | HHADMO2301-NONPERSONN-SUPPLIES<br>HHADMO2301-NONPERSONN-CONSULTANT<br>HHADMO2301-NONPERSONN-PRINTING | FY24 MOW DONATIONS                                 | 170          | Y                 | 111-51-505-549-2044-000-444-642990-<br>111-51-505-549-2044-000-444-612990-<br>111-51-505-549-2044-000-444-635110- |                 |                       | X                    | Appropriate FY24 MOW Donations Fund Balance                                                                                                                     |
| 75     | 111              | Fund Raising Activities           | HHCS                              |                   | 500                | HHADSB2301-NONPERSONN-SUPPLIES                                                                       | FY24 MOW DONATIONS                                 | 172          | Y                 | 111-51-505-544-0000-000-444-642990-                                                                               |                 |                       | X                    | Donation for Senior center to provide support towards ceramic activities                                                                                        |
|        | <b>111 Total</b> |                                   |                                   | -                 | <b>38,500</b>      |                                                                                                      |                                                    |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                 |
| 76     | 113              | Sports Field                      | Parks, Recreation, and Waterfront |                   | 12,000             |                                                                                                      | Gilman Sports Field Lighting                       | 1342         | Y                 | 113-52-542-567-1003-000-461-612990-                                                                               |                 |                       | X                    | Adjustment to add funds to replace lighting at Gilman Sports Field.                                                                                             |
|        | <b>113 Total</b> |                                   |                                   | -                 | <b>12,000</b>      |                                                                                                      |                                                    |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                 |
| 77     | 120              | Affordable Housing Mitigation Fee | HHCS                              |                   | 10,328,751         |                                                                                                      | Housing Trust Fund projects and expenses           | 3            | Y                 | 120-51-504-533-2028-000-446-685110-<br>120-51-504-533-2028-000-444-612990-                                        |                 |                       | X                    | Adjustment to add funds for the Housing Trust Fund FY 2024 planned projects and misc. services                                                                  |
| 78     | 120              | Affordable Housing Mitigation Fee | HHCS                              |                   | 12,746             |                                                                                                      | Community Service Specialist I                     |              |                   | 120-51-504-533-2032-000-444-511110-<br>120-51-504-533-2032-000-444-520560-                                        |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$141,624. |
|        | <b>120 Total</b> |                                   |                                   | -                 | <b>10,341,497</b>  |                                                                                                      |                                                    |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                 |
| 79     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 2,909             |                    | PRWCP08001                                                                                           | Tuolumne Master Plan                               | 947          | Y                 | 125-52-543-583-0000-000-461-637110-                                                                               |                 |                       | X                    | Carryover to complete BTC Master Plan.                                                                                                                          |
| 80     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 313,277           |                    | PRWCP19001                                                                                           | Berkeley Tuolumne Camp Construction Management     | 948          | Y                 | 125-52-543-583-0000-000-461-662110-                                                                               |                 |                       | X                    | Carryover to complete BTC construction and EV Charging station.                                                                                                 |
| 81     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 81,772            |                    | PRWCP22001                                                                                           | Berkeley Tuolumne Camp Start Up Costs              | 297          | Y                 | 125-52-543-583-0000-000-461-624110- & 642990-                                                                     |                 |                       | X                    | Carryover for the BTC Start Up Costs project                                                                                                                    |
| 82     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 315               |                    | PRWCP23002                                                                                           | Friends of Berkeley Tuolumne Camp (FOBTC) tracking |              |                   | 125-52-various                                                                                                    |                 |                       | X                    | Carryover for FOBTC donations.                                                                                                                                  |
| 83     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 1,885             |                    | PRWCP23002                                                                                           | Friends of Berkeley Tuolumne Camp (FOBTC) tracking |              |                   |                                                                                                                   |                 |                       | X                    | Carryover for remaining FOBTC funds.                                                                                                                            |
| 84     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 493,271           |                    | PRWRC18002                                                                                           | Echo Lake ADA Camp Improvement                     | 202          | Y                 | 125-52-543-582-0000-000-461-663110; 125-52-543-582-0000-000-461-612320; 125-52-543-582-0000-000-461-637110-       |                 |                       | X                    | Carryover for the Echo Lake Camp ADA Improvement                                                                                                                |
| 85     | 125              | Playground Camp                   | Parks, Recreation, and Waterfront | 25,000            |                    |                                                                                                      | Snow removal at Echo Lake                          | 1100         | Y                 | 125-52-543-582-0000-000-461-612990-                                                                               |                 |                       | X                    | Carryover for Alpine Smith snow removal contract.                                                                                                               |

| Item # | Fund #           | Fund Name                       | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name                                        | Budget Mod # | Updated? (Y or N) | To Budget Code                                                              | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                          |
|--------|------------------|---------------------------------|-----------------------------------|-------------------|--------------------|----------------|-----------------------------------------------------------------|--------------|-------------------|-----------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 86     | 125              | Playground Camp                 | Parks, Recreation, and Waterfront |                   | 258,000            |                | Special Fee Class                                               | 400          | Y                 | 125-52-543-571-1015/1017-000-461-various-                                   |                 |                       | X                    | Set up special fee program budgets in the Camps Fund.                                                                                                           |
|        | <b>125 Total</b> |                                 |                                   |                   | <b>918,429</b>     |                |                                                                 |              |                   |                                                                             |                 |                       |                      |                                                                                                                                                                 |
| 87     | 126              | Proposition 172                 | Police                            |                   | 1,500,000          |                | DNA testing, crime lab costs, telephone service costs           | 1079         | Y                 | 126-71-702-805-0000-000-421-612990-                                         |                 |                       | X                    | Increased DNA testing contract costs including the cost of Cold-Case Sexual Assault Exams, crime labs, and telephone services                                   |
|        | <b>126 Total</b> |                                 |                                   |                   | <b>-</b>           |                |                                                                 |              |                   |                                                                             |                 |                       |                      |                                                                                                                                                                 |
| 88     | 127              | State Transportation Tax        | Public Works                      | 277,825           |                    | PWENRW2301     | Retaining Wall & Storm Drain Repair                             | 189          | Y                 | 127-54-623-675-0000-000-431-various-                                        |                 |                       | X                    | Carryover for the Retaining Wall & Storm Drain Repair project                                                                                                   |
| 89     | 127              | State Transportation Tax        | Public Works                      | 632,173           |                    | PWENST2101     | STREET REHAB FY 2021                                            | 1339         | Y                 | 127-54-623-673-0000-000-431-665110-                                         |                 |                       | X                    | Carryover funding for the Street Rehab FY 2021 project                                                                                                          |
| 90     | 127              | State Transportation Tax        | Public Works                      | 429,098           |                    | PWENST2201     | Street Rehab FY 2022                                            | 393          | Y                 | 127-54-623-673-0000-000-431-665110-                                         |                 |                       | X                    | To continue and complete the project                                                                                                                            |
| 91     | 127              | State Transportation Tax        | Public Works                      | 865,504           |                    | PWENST2301     | Street Rehab FY 2023                                            | 209          | Y                 | 127-54-623-673-0000-000-431-511110- & 127-54-623-673-0000-000-431-665110    |                 |                       | X                    | Carryover for FY 2023 Street Rehab project                                                                                                                      |
| 92     | 127              | State Transportation Tax        | Public Works                      | 50,672            |                    | PWENST2401     | STREET REHAB FY 2024                                            | 1198         | Y                 | 127-54-623-673-0000-000-431-511110-                                         |                 |                       | X                    | Carryover funding for the Street Rehab FY 2024 project                                                                                                          |
| 93     | 127              | State Transportation Tax        | Public Works                      | 100,000           |                    | PWENSW2001     | FY20 Sidewalk Repair Program                                    | 1745         | Y                 | 127-54-623-673-0000-000-431-665110                                          |                 |                       | X                    | To continue and complete the project, currently in the construction phase                                                                                       |
| 94     | 127              | State Transportation Tax        | Public Works                      | 134,854           |                    | PWENSW2002     | Sidewalk Shaving FY 2020                                        | 1649         | Y                 | 127-54-623-674-0000-000-431-511110/ 520560                                  |                 |                       | X                    | To continue the project, currently in the construction phase                                                                                                    |
| 95     | 127              | State Transportation Tax        | Public Works                      | 100,000           |                    | PWENSW2401     | FY 2024 Sidewalk Repairs Program                                | 353          | Y                 | 127-54-623-674-0000-000-431-665110-                                         |                 |                       | X                    | On-going sidewalk repair project                                                                                                                                |
| 96     | 127              | State Transportation Tax        | Public Works                      |                   | 100,000            |                | Traffic Maintenance Equipment and Facilities Utilities Increase | 136          | Y                 | 127-54-622-664-0000-000-431-651110- and 127-54-624-695-0000-000-431-621110- |                 |                       | X                    | Appropriate funding for Traffic Maintenance Equipment and Facilities Utilities Increase                                                                         |
|        | <b>127 Total</b> |                                 |                                   |                   | <b>2,590,126</b>   |                |                                                                 |              |                   |                                                                             |                 |                       |                      |                                                                                                                                                                 |
| 97     | 128              | CDBG                            | HHCS                              |                   | 71,436             |                | Program Manager II - Homeless                                   |              |                   | 128-51-504-530-0000-000-444-511110-<br>128-51-504-530-0000-000-444-520560   |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$238,121  |
| 98     | 128              | CDBG                            | HHCS                              |                   | 70,812             |                | Community Service Specialist I                                  |              |                   | 128-51-504-530-0000-000-444-511110-<br>128-51-504-530-0000-000-444-520560-  |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$141,624. |
| 99     | 128              | CDBG                            | Public Works                      | 1,138,799         |                    | PWENCB2312     | WBSC Improvements                                               | 227          | Y                 | 128-54-623-677-0000-000-444-511110 & 662110-                                |                 |                       | X                    | Carryover for the WBSC Improvements project                                                                                                                     |
|        | <b>128 Total</b> |                                 |                                   |                   | <b>1,138,799</b>   |                |                                                                 |              |                   |                                                                             |                 |                       |                      |                                                                                                                                                                 |
| 100    | 129              | RHSP                            | Planning                          | 33,000            |                    |                | Educational Videos                                              |              |                   | 129-53-585-635-0000-000-441-612990-                                         |                 |                       | X                    | Planning added \$33K to the FY23 RHSP budget for the creation of educational RHSP videos for the public; the project was delayed due to staffing shortages.     |
|        | <b>129 Total</b> |                                 |                                   |                   | <b>33,000</b>      |                |                                                                 |              |                   |                                                                             |                 |                       |                      |                                                                                                                                                                 |
| 101    | 130              | Measure B Local Streets & Roads | Public Works                      |                   | 1,380,537          | PWENST2401     | Street Rehab FY 2024                                            | 98           | Y                 | 130-54-623-673-0000-000-431-511110-                                         |                 |                       | X                    | Additional funding needed for the Street Rehab FY24 project                                                                                                     |
| 102    | 130              | Measure B Local Streets & Roads | Public Works                      | 127,608           |                    | PWENST2501     | Street Rehab Program                                            | 1723         | Y                 | 130-54-623-673-0000-000-431-665110-                                         |                 |                       | X                    | For the Street Rehab program                                                                                                                                    |
| 103    | 130              | Measure B Local Streets & Roads | Public Works                      | 118,000           |                    | PWTRCS2203     | University Ave Bus Stop                                         | 331          | Y                 | 130-54--622-668-0000-000-431-612310-                                        |                 |                       | X                    | To continue the project into the engineering phase.                                                                                                             |
| 104    | 130              | Measure B Local Streets & Roads | Public Works                      | 65,000            |                    | PWTRCS2204     | Telegraph Study & PE                                            | 75           | Y                 | 130-54-622-668-0000-000-431-511110-<br>/520560/612310                       |                 |                       | X                    | To continue the project                                                                                                                                         |
| 105    | 130              | Measure B Local Streets & Roads | Public Works                      | 317,880           |                    | PWTRCS2303     | AC-Durant Transit Lane Project                                  | 712          | Y                 | 130-54-622-668-0000-000-431-665110-                                         |                 |                       | X                    | Carryover funding for the AC-Durant Transit Lane project.                                                                                                       |

| Item # | Fund #           | Fund Name                         | Department   | Carryover Request | Adjustment Request | Project Number | Description/Project name               | Budget Mod # | Updated? (Y or N) | To Budget Code                                                | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                |
|--------|------------------|-----------------------------------|--------------|-------------------|--------------------|----------------|----------------------------------------|--------------|-------------------|---------------------------------------------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------|
| 106    | 130              | Measure B Local Streets & Roads   | Public Works | 57,665            |                    | PWTRCT1803     | NB BART/Sacramento St Complete Streets | 372          | Y                 | 130-54-622-668-0000-000-431-665110-                           |                 |                       | X                    | To continue project                                                                   |
| 107    | 130              | Measure B Local Streets & Roads   | Public Works | 352,756           |                    | PWTRTC2202     | Woolsey-Eton Traffic Calming           | 324          | Y                 | 130-54-622-668-0000-000-431-51110-<br>/520560/612310-/665110- |                 |                       | X                    | To continue the project currently in the consulting phase.                            |
|        | <b>130 Total</b> |                                   |              | <b>1,038,909</b>  | <b>1,380,537</b>   |                |                                        |              |                   |                                                               |                 |                       |                      |                                                                                       |
| 108    | 131              | Measure B Bike & Ped              | Public Works | 14,473            |                    | PWTRCS2002     | Transportation Impact Studies          | 1732         | Y                 | 131-54-622-662-0000-000-431-612310-                           |                 |                       | X                    | To continue the Transportation Impact Studies project                                 |
|        | <b>131 Total</b> |                                   |              | <b>14,473</b>     | <b>-</b>           |                |                                        |              |                   |                                                               |                 |                       |                      |                                                                                       |
| 109    | 133              | Measure F - Ala Ct. VRF St. & Rd. | Public Works | 35,227            |                    | PWENSW2001     | FY20 Sidewalk Repair Program           | 1745         | Y                 | 133-54-623-673-0000-000-431-665110                            |                 |                       | X                    | To continue and complete the project, currently in the construction phase             |
| 110    | 133              | Measure F - Ala Ct. VRF St. & Rd. | Public Works | 42,548            |                    | PWENSW2002     | Sidewalk Shaving FY 2020               | 1649         | Y                 | 133-54-623-674-0000-000-431-665110-                           |                 |                       | X                    | To continue the project, currently in the construction phase                          |
| 111    | 133              | Measure F - Ala Ct. VRF St. & Rd. | Public Works | 200,000           |                    | PWENSW2401     | FY 2024 Sidewalk Repairs Program       | 353          | Y                 | 133-54-623-674-0000-000-431-665110-                           |                 |                       | X                    | On-going sidewalk repair project                                                      |
| 112    | 133              | Measure F - Ala Ct. VRF St. & Rd. | Public Works | 278,646           |                    | PWT1ST2209     | T1 Streets - Phase II                  | 1664         | Y                 | 133-54-623-673-0000-000-431-various                           |                 |                       | X                    | Carryover funding for the T1 Streets - Phase II project                               |
| 113    | 133              | Measure F - Ala Ct VRF St and Rd  | Public Works | 82,252            |                    | PWT1SW2201     | T1 Phase Sidewalk Mtc.. & Safety Rep   | 1663         | Y                 | 133-54-623-674-0000-000-431-665110                            |                 |                       | X                    | Unencumbered. carryover from FY23 to FY24                                             |
| 114    | 133              | Measure F - Ala Ct. VRF St. & Rd. | Public Works | 215,000           |                    | PWTRBP2201     | MLK JR Way Vision Zero Quick Build     | 308          | Y                 | 133-54-622-668-0000-000-431-665110-                           |                 |                       | X                    | To continue the project, currently in the construction phase                          |
| 115    | 133              | Measure F - Ala Ct VRF St and Rd  | Public Works | 40,000            |                    | PWTRBP2202     | HISP Sacramento Ped                    | 74           | Y                 | 133-54-622-668-0000-000-431-612310-                           |                 |                       | X                    | To continue the project, currently in the construction phase                          |
|        | <b>133 Total</b> |                                   |              | <b>893,673</b>    | <b>-</b>           |                |                                        |              |                   |                                                               |                 |                       |                      |                                                                                       |
| 116    | 134              | Measure BB Local Streets & Roads  | Public Works | 24,098            |                    | PWENPL2301     | Standard Specifications and Details    | 373          | Y                 | 134-54-623-673-0000-000-431-612310-                           |                 |                       | X                    | Update the City's standard specifications and details boilerplate                     |
| 117    | 134              | Measure BB Local Streets & Roads  | Public Works | 89,683            |                    | PWENRW2001     | Retaining Wall - 1332 Glendale Avenue  | 585          | Y                 | 134-54-623-673-0000-000-431-various                           |                 |                       | X                    | Carryover for the Retaining Wall - 1332 Glendale Avenue project                       |
| 118    | 134              | Measure BB Local Streets & Roads  | Public Works | 821,709           |                    | PWENST2101     | STREET REHAB FY 2021                   | 1339         | Y                 | 134-54-623-673-0000-000-431-665110-                           |                 |                       | X                    | Carryover funding for the Street Rehab FY 2021 project                                |
| 119    | 134              | Measure BB Local Streets & Roads  | Public Works | 6,119             |                    | PWENST2201     | Street Rehab FY 2022                   | 393          | Y                 | 134-54-623-673-0000-000-431-665110-                           |                 |                       | X                    | To continue and complete the project                                                  |
| 120    | 134              | Measure BB Local Streets & Roads  | Public Works | 47,173            |                    | PWENST2202     | Wildcat Canyon Emergency Repairs       | 386          | Y                 | 134-54-623-673-0000-000-431-511110/ 612310/<br>637110         |                 |                       | X                    | To continue design & repairs at Wildcat Canyon                                        |
| 121    | 134              | Measure BB Local Streets & Roads  | Public Works | 693,831           |                    | PWENST2302     | Wildcat Canyon Road Repairs            | 1734         | Y                 | 134-54-623-673-0000-000-431-various                           |                 |                       | X                    | Carryover project funding to continue work on the Wildcat Canyon Road Repairs project |
| 122    | 134              | Measure BB Local Streets & Roads  | Public Works | 26,960            |                    | PWENST2303     | Hopkins Corridor Improvement           | 1744         | Y                 | 134-54-623-673-0000-000-431-637110-                           |                 |                       | X                    | To continue the design phase of the project                                           |
| 123    | 134              | Measure BB Local Streets & Roads  | Public Works | 100,000           |                    | PWENST2311     | University Ave Overpass Repairs        | 1743         | Y                 | 134-54-623-673-0000-000-431-612310/ 665110                    |                 |                       | X                    | To continue and complete the project                                                  |
| 124    | 134              | Measure BB Local Streets & Roads  | Public Works | 150,000           |                    | PWENST2312     | Walnut & Eunice Guardrail Repair       | 615          | Y                 | 134-54-623-673-0000-000-431-612310- & 665110-                 |                 |                       | X                    | Carryover for the Walnut & Eunice Guardrail Repair project                            |
| 125    | 134              | Measure BB Local Streets & Roads  | Public Works | 253,190           |                    | PWENSW2001     | FY20 Sidewalk Repair Program           | 1745         | Y                 | 134-54-623-673-0000-000-431-665110                            |                 |                       | X                    | To continue and complete the project, currently in the construction phase             |
| 126    | 134              | Measure BB Local Streets & Roads  | Public Works | 477,688           |                    | PWENSW2002     | Sidewalk Shaving FY 2020               | 1649         | Y                 | 134-54-623-674-0000-000-431-665110                            |                 |                       | X                    | To continue the project, currently in the construction phase                          |
| 127    | 134              | Measure BB Local Streets & Roads  | Public Works | 151,150           |                    | PWENSW2202     | LA LOMA SW Replacement                 | 349          | Y                 | 134-54-623-673-0000-000-431-511110- 520560/<br>612310/ 665110 |                 |                       | X                    | To continue and complete the project                                                  |
| 128    | 134              | Measure BB Local Streets & Roads  | Public Works | 100,000           |                    | PWENSW2401     | FY 2024 Sidewalk Repairs Program       | 353          | Y                 | 134-54-623-674-0000-000-431-511110/ 520560                    |                 |                       | X                    | On-going sidewalk repair project                                                      |
| 129    | 134              | Measure BB Local Streets & Roads  | Public Works | 423,427           |                    | PWTRBP2201     | MLK JR Way Vision Zero Quick Build     | 308          | Y                 | 134-54-622-668-0000-000-431-511110-<br>/520560/665110         |                 |                       | X                    | To continue the project, currently in the construction phase                          |
| 130    | 134              | Measure BB Local Streets & Roads  | Public Works | 167,214           |                    | PWTRBP2203     | Parker-Addison Bikeway                 | 1751         | Y                 | 134-54-622-668-0000-000-431-665110-                           |                 |                       | X                    | To continue the project, currently in the engineering phase.                          |



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**FY 2023 Unencumbered Carryover and FY 2024 Adjustments (AAO#1)**

| Item # | Fund #           | Fund Name                        | Department   | Carryover Request | Adjustment Request | Project Number | Description/Project name                   | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                                                | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                        |
|--------|------------------|----------------------------------|--------------|-------------------|--------------------|----------------|--------------------------------------------|--------------|-------------------|---------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 131    | 134              | Measure BB Local Streets & Roads | Public Works | 649,388           |                    | PWTRCS2001     | Southside Complete Streets                 | 359          | Y                 | 134-54-622-668-0000-000-431-612310/511110/520560/637110/665110                                                |                 |                       | X                    | To continue and complete the project                                                                                                          |
| 132    | 134              | Measure BB Local Streets & Roads | Public Works | 14,473            |                    | PWTRCS2002     | Transportation Impact Studies              | 1732         | Y                 | 134-54-622-662-0000-000-431-612310-                                                                           |                 |                       | X                    | To continue the Transportation Impact Studies project                                                                                         |
| 133    | 134              | Measure BB Local Streets & Roads | Public Works | 2,196             |                    | PWTRCS2202     | Shattuck - MLK Bus Stops                   | 341          | Y                 | 134-54-622-6668-0000-000-431-511110/520560/612613                                                             |                 |                       | X                    | To continue the project                                                                                                                       |
| 134    | 134              | Measure BB Local Streets & Roads | Public Works | 125,191           |                    | PWTRCS2203     | University Ave Bus Stop                    | 331          | Y                 | 134-54-622-668-0000-000-431-612310-/511110/520560/665110                                                      |                 |                       | X                    | To continue the project into the engineering phase.                                                                                           |
| 135    | 134              | Measure BB Local Streets & Roads | Public Works | 75,000            |                    | PWTRCS2301     | Adeline at Ashby BART                      | 1683         | Y                 | 134-54-622-668-0000-000-431-612310-                                                                           |                 |                       | X                    | To continue the project, currently in the engineering phase.                                                                                  |
| 136    | 134              | Measure BB Local Streets & Roads | Public Works | 162,107           |                    | PWTRCT2201     | Adeline Street TIP (MLK TO Oakland border) | 1746         | Y                 | 134-54-622-668-0000-000-431-511110-, 134-54-622-668-0000-000-431-520560-, 134-54-622-668-0000-000-431-612310- |                 |                       | X                    | Carryover for the Adeline Street TIP project                                                                                                  |
| 137    | 134              | Measure BB Local Streets & Roads | Public Works | 100,000           |                    | PWTRPL2301     | Vision Zero Action Plan Imp.               | 1693         | Y                 | 134-54-622-662-0000-000-431-612990-                                                                           |                 |                       | X                    | To continue the project, currently in the engineering phase.                                                                                  |
| 138    | 134              | Measure BB Local Streets & Roads | Public Works | 165,536           |                    | PWTRTC1902     | Dwight/California Intersection Improvement | 364          | Y                 | 134-54-622-668-0000-000-431-612310/511110/520560/612990/665110                                                |                 |                       | X                    | To continue and complete the project                                                                                                          |
| 139    | 134              | Measure BB Local Streets & Roads | Public Works | 135,505           |                    | PWTRTM2301     | I-80 Gilman Interchange Phase 2            | 1731         | Y                 | 134-54-622-663-0000-000-431-665110-                                                                           |                 |                       | X                    | To continue the project                                                                                                                       |
| 140    | 134              | Measure BB Local Streets & Roads | Public Works | 900,000           |                    |                | Bike & Ped projects                        | 647          |                   | 134-54-622-668-3012-000-431-665110-                                                                           |                 |                       | X                    | For bike & ped projects, as per Council, reallocated from the Hopkins Corridor improvements, as part of the PWT1ST2209 T1 PH2 STREETS project |
|        | <b>134 Total</b> |                                  |              | <b>5,861,638</b>  | -                  |                |                                            |              |                   |                                                                                                               |                 |                       |                      |                                                                                                                                               |
| 141    | 135              | Measure BB Bike & Pedestrian     | Public Works | 194,026           |                    | PWTRBP2001     | Addison Bikeway                            | 443          |                   | 135-54-622-668-0000-000-431-511110/520560/665110                                                              |                 |                       | X                    | To continue the project                                                                                                                       |
| 142    | 135              | Measure BB Bike & Pedestrian     | Public Works | 122,230           |                    | PWTRBP2201     | MLK JR Way Vision Zero Quick Build         | 308          | Y                 | 135-54-622-668-0000-000-431-612310-/665110                                                                    |                 |                       | X                    | To continue the project, currently in the construction phase                                                                                  |
| 143    | 135              | Measure BB Bike & Pedestrian     | Public Works | 259,904           |                    | PWTRBP2202     | HISP Sacramento Ped                        | 74           | Y                 | 135-54-622-668-0000-000-431-511110-/520560/665110                                                             |                 |                       | X                    | To continue the project                                                                                                                       |
| 144    | 135              | Measure BB Bike & Pedestrian     | Public Works | 96,557            |                    | PWTRBP2205     | Woolsey-Fulton Bike Blvd STI Funds         | 409          | Y                 | 135-54-622-668-0000-000-431-612310/511110/520560/665110                                                       |                 |                       | X                    | To continue and complete the project                                                                                                          |
| 145    | 135              | Measure BB Bike & Pedestrian     | Public Works | 159,500           |                    | PWTRBP2206     | West Berkeley Vision Zero Quick Build      | 1714         | Y                 | 135-54-622-668-0000-000-431-511110-                                                                           |                 |                       | X                    | To continue and complete the project                                                                                                          |
| 146    | 135              | Measure BB Bike & Pedestrian     | Public Works | 1,072             |                    | PWTRCT1803     | NB BART/Sacramento St Complete Streets     | 372          | Y                 | 135-54-622-668-0000-000-431-612310-                                                                           |                 |                       | X                    | To continue project                                                                                                                           |
|        | <b>135 Total</b> |                                  |              | <b>833,289</b>    | -                  |                |                                            |              |                   |                                                                                                               |                 |                       |                      |                                                                                                                                               |

| Item # | Fund #           | Fund Name              | Department                        | Carryover Request | Adjustment Request | Project Number                     | Description/Project name                                                               | Budget Mod # | Updated? (Y or N) | To Budget Code                                                         | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                      |
|--------|------------------|------------------------|-----------------------------------|-------------------|--------------------|------------------------------------|----------------------------------------------------------------------------------------|--------------|-------------------|------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 147    | 136              | Measure BB Paratransit | HHCS                              | 57,052            |                    | HHAMBB2301-PERSONNEL-SALARY-SALARY | Measure BB Paratransit                                                                 |              |                   | 136-51-505-542-2038-000-444-511110-136-51-505-542-2038-000-444-520560- |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                         |
|        | <b>136 Total</b> |                        |                                   | <b>57,052</b>     | -                  |                                    |                                                                                        |              |                   |                                                                        |                 |                       |                      |                                                                                                                                                                                                                             |
| 148    | 137              | One Time Fund          | Public Works                      |                   | 50,000             |                                    | Revenue and Expense for Community Contribution to paving on Non-PROW but City Property |              |                   |                                                                        |                 |                       | X                    | Uplands neighbors contribution to repaving City Property "street" but not on PROW. Will assign to FY 23 Annual Paving Project Contractor. Agreement/Doc - method of accepting funds TBD. Budget \$50,000 for both Rev & Exp |
|        | <b>137 Total</b> |                        |                                   | -                 | <b>50,000</b>      |                                    |                                                                                        |              |                   |                                                                        |                 |                       |                      |                                                                                                                                                                                                                             |
| 149    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 225,221           |                    | PRWPK20003                         | Ohlone Park Improvements                                                               | 602          | Y                 | 138-52-545-000-0000-000-461-663110; 612990; 720003                     |                 |                       | X                    | Carryover for the Ohlone Park Improvement project                                                                                                                                                                           |
| 150    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 42,000            |                    | PRWPK21008                         | Civic Center Turtle Island Monument                                                    | 123          | Y                 | 138-52-545-000-0000-000-461-612320-                                    |                 |                       | X                    | Carryover funds for landscape architecture services (PGA Designs).                                                                                                                                                          |
| 151    | 138              | Parks Tax              | Parks, Recreation, and Waterfront |                   | 815,000            | PRWPK21008                         | Civic Center Turtle Island Monument                                                    | 1740         | Y                 | 138-52-545-000-0000-000-461-612320- & 720003-                          |                 |                       | X                    | Carryover for the Civic Center Fountain Garden project                                                                                                                                                                      |
| 152    | 138              | Parks Tax              | Parks, Recreation, and Waterfront |                   | 3,969              | PRWPK21008                         | Civic Center Turtle Island Monument                                                    |              |                   | 138-52-545-000-0000-000-461-720003-                                    |                 |                       | X                    | Adjustment to add funds donated from the Berkeley Partners for Parks.                                                                                                                                                       |
| 153    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 42,798            |                    | PRWPK22002                         | John Hinkel Scout Hut                                                                  | 924          | Y                 | 138-52-545-000-0000-000-461-720003-                                    |                 |                       | X                    | Carryover to complete John Hinkel Scout Hut project.                                                                                                                                                                        |
| 154    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 6,990             |                    | PRWPK22004                         | FY22 Parks Tax Minor Maintenance                                                       |              |                   | Various                                                                |                 |                       | X                    | Carryover for Rorick Strawberry Creek donation.                                                                                                                                                                             |
| 155    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 598               |                    | PRWPK22009                         | James Kenney Mini Skate Park                                                           | 920          | Y                 | 138-52-545-000-0000-000-461-720003-                                    |                 |                       | X                    | Carryover to complete James Kenney Mini Skate Park project.                                                                                                                                                                 |
| 156    | 138              | Parks Tax              | Parks, Recreation, and Waterfront | 31,025            |                    | PRWPK23001                         | 600 Addison Project                                                                    | 919          | Y                 | 138-52-545-000-0000-000-461-720003-                                    |                 |                       | X                    | Carryover to complete Bolivar Drive Improvements Project                                                                                                                                                                    |
| 157    | 138              | Parks Tax              | Parks, Recreation, and Waterfront |                   | 2,000              | PRWPK23009                         | Friends of Rose Garden Donation                                                        |              |                   | 138-52-542-567-0000-000-461-642990-                                    |                 |                       | X                    | Adjustment to add funds donated from the Friends of the Rose Garden to purchase roses.                                                                                                                                      |
| 158    | 138              | Parks Tax              | Parks, Recreation, and Waterfront |                   | 300,000            | PRWPK24005 and PRWPK24006          | Irrigation Replacement and Court Resurfacing                                           | 1374         | Y                 | 138-52-545-000-0000-000-461-624110-                                    |                 |                       | X                    | Appropriate funding for the Irrigation Replacement project and the Court Resurfacing project                                                                                                                                |

| Item # | Fund #           | Fund Name                       | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name                               | Budget Mod # | Updated? (Y or N) | To Budget Code                                                 | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                     |
|--------|------------------|---------------------------------|-----------------------------------|-------------------|--------------------|----------------|--------------------------------------------------------|--------------|-------------------|----------------------------------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 159    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront |                   | 100,000            | PRWPK24007     | Berkeley Way, Charlie Dorr, and 63rd Avenue Mini Parks | 637          | Y                 | 138-52-545-000-0000-000-461-720003-                            |                 |                       | X                    | Adjustment below to add funds for the Berkeley Way, Charlie Dorr, and 63rd Ave mini park projects                                                                          |
| 160    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront | 129,246           |                    | PRWPP15002     | Aquatic Park South Pathways/Parking Lot                | 540          | Y                 | 138-52-545-000-0000-000-461-663110- & 720003-                  |                 |                       | X                    | Carryover for the Aquatic Park South Pathways/Parking Lot project                                                                                                          |
| 161    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront | 372,691           |                    | PRWT119004     | Grove Park Phase 2                                     | 319          | Y                 | 138-52-545-000-000-461-612320 & 720003                         |                 |                       | X                    | Carryover for the Grove Park Phase 2 project                                                                                                                               |
| 162    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront |                   | 21,000             | PRWT119004     | Grove Park Improvements                                | 171          | Y                 | 138-52-545-000-0000-000-461-720003                             |                 |                       | X                    | Adjustment to complete Grove Park Improvements Project.                                                                                                                    |
| 163    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront |                   | 85,000             | PRWT122004     | Willard Clubhouse/Restroom Replacement                 | 44           | Y                 | 138-52-545-000-0000-000-461-720003-                            |                 |                       | X                    | Adjustment to add funds for Willard Clubhouse/Restroom Replacement project.                                                                                                |
| 164    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront | 21,376            |                    | PRWT122005     | Tom Bates Restroom/Community Space                     | 601          | Y                 | 138-52-545-000-0000-000-461-720003-                            |                 |                       | X                    | Carryover for the Tom Bates Restroom/Community Space project                                                                                                               |
| 165    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront |                   | 382,000            | PRWT122005     | Tom Bates Restroom/Community Space                     | 45           | Y                 | 138-52-545-000-0000-000-461-720003-                            |                 |                       | X                    | Adjustment to add funds for the Tom Bates Community Room and Restroom project.                                                                                             |
| 166    | 138              | Parks Tax                       | Parks, Recreation, and Waterfront | 33,600            |                    |                | NexGen Maintenance Funds                               | 453          | Y                 | 138-52-541-598-0000-000-461-613130-                            |                 |                       | X                    | Carryover for NexGen Year 2 Maintenance Funds.                                                                                                                             |
|        | <b>138 Total</b> |                                 |                                   | <b>905,546</b>    | <b>1,708,969</b>   |                |                                                        |              |                   |                                                                |                 |                       |                      |                                                                                                                                                                            |
| 167    | 140              | Measure GG Fire Preparation Tax | Fire                              |                   | 800,000            |                | Fire Station Emergency Alerting System                 | 589          | Y                 | 140-72-742-835-0000-000-422-651110-                            |                 |                       | X                    | Appropriate funds for the Fire Station Emergency Alert System                                                                                                              |
|        | <b>140 Total</b> |                                 |                                   | -                 | <b>800,000</b>     |                |                                                        |              |                   |                                                                |                 |                       |                      |                                                                                                                                                                            |
| 168    | 142              | Street Light Assmt Dist.        | Public Works                      | 141,272           |                    | PWENEL2201     | STREETLIGHT MAINTENANCE FY 2022                        | 264          | Y                 | 142-54-623-672-0000-000-426-various                            |                 |                       | X                    | To continue the project                                                                                                                                                    |
| 169    | 142              | Street Light Assmt Dist.        | Public Works                      | 195,565           |                    | PWENEL2301     | FY23 Streetlight Pole Replacement                      | 238          | Y                 | 142-54-623-672-426-0000-000-426-various                        |                 |                       | X                    | To continue the project- Supply of poles delayed                                                                                                                           |
| 170    | 142              | Street Light Assmt Dist.        | Public Works                      | 12,370            |                    | PWENPL2301     | Standard Specifications and Details                    | 373          | Y                 | 142-54-623-672-0000-000-426-511110/ 520560/ 612310-            |                 |                       | X                    | Update the City's standard specifications and details boilerplate                                                                                                          |
| 171    | 142              | Street Light Assmt Dist.        | Public Works                      | 129,000           |                    | PWTRBP2201     | MLK JR Way Vision Zero Quick Build                     | 308          | Y                 | 142-54-622-668-0000-000-431-612310                             |                 |                       | X                    | To continue the project, currently in the construction phase                                                                                                               |
| 172    | 142              | Street Light Assmt Dist.        | Public Works                      | 73,987            |                    |                | Streetlight Replacement                                |              |                   | 142-54-624-694-3018-000-426-665110-                            |                 |                       | X                    | To continue the streetlight replacement program.                                                                                                                           |
| 173    | 142              | Street Light Assmt Dist.        | Public Works                      |                   | 200,000            |                | Non-Personnel Projected Deficit Street Lights Ops      |              |                   |                                                                |                 |                       | X                    | Insufficient funding for remainder of FY2024 and to respond to emergency situations.                                                                                       |
|        | <b>142 Total</b> |                                 |                                   | <b>552,194</b>    | <b>200,000</b>     |                |                                                        |              |                   |                                                                |                 |                       |                      |                                                                                                                                                                            |
| 174    | 145              | Bayer (Miles Lab)               | Parks, Recreation, and Waterfront |                   | 163,000            | PRWPK23005     | EEMP 2021 Trees Make Life Better                       | 1043         | Y                 | 145-52-545-000-0000-000-461-663110-                            |                 |                       | X                    | Adjustment to add funds for the RX Lodge contract to install irrigation at Aquatic Park.                                                                                   |
|        | <b>145 Total</b> |                                 |                                   | -                 | <b>163,000</b>     |                |                                                        |              |                   |                                                                |                 |                       |                      |                                                                                                                                                                            |
| 175    | 146              | Employee Training               | Human Resources                   | 20,000            |                    |                | Navex Global, Inc                                      |              |                   | 146-34-345-000-0000-000-412-612990                             |                 |                       | X                    | EDUCATIONAL/TRAINING SERVICES - move money to FY 2024 to pay for contract amendment in the amount approved by City Manager (waiver signed by CM) for contract NTE \$69,999 |
|        | <b>146 Total</b> |                                 |                                   | <b>20,000</b>     | -                  |                |                                                        |              |                   |                                                                |                 |                       |                      |                                                                                                                                                                            |
| 176    | 147              | UC Settlement                   | Public Works                      | 223,351           |                    | PWENST2310     | Piedmont/Channing Traffic Circle-PED/ST                | 189          | Y                 | 147-54-623-673-0000-000-431-various-                           |                 |                       | X                    | Carryover for the Piedmont/Channing Traffic Circle - PED/ST project                                                                                                        |
| 177    | 147              | UC Settlement                   | Public Works                      | 260,000           |                    | PWT1CB2202     | Restrooms in the ROW                                   | 1179         | Y                 | 147-54-623-677-0000-000-444-663110-                            |                 |                       | X                    | Carryover funding for the installation of new restrooms in the ROW project                                                                                                 |
| 178    | 147              | UC Settlement                   | Public Works                      | 1,542,926         |                    | PWTRCS2001     | Southside Complete Streets                             | 359          | Y                 | 147-54-622-668-0000-000-431-612310/612990/511110/520560/665110 |                 |                       | X                    | To continue and complete the project                                                                                                                                       |

| Item # | Fund #           | Fund Name                           | Department            | Carryover Request | Adjustment Request | Project Number                              | Description/Project name                                     | Budget Mod # | Updated? (Y or N) | To Budget Code                       | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                             |
|--------|------------------|-------------------------------------|-----------------------|-------------------|--------------------|---------------------------------------------|--------------------------------------------------------------|--------------|-------------------|--------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <b>147 Total</b> |                                     |                       | <b>2,026,277</b>  | <b>-</b>           |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 179    | 148              | Cultural Trust                      | City Manager's Office |                   | 1,585,000          |                                             | Various public art projects                                  | 1680         | Y                 | 148-21-208-252-0000-000-446-612990-  |                 |                       | X                    | These funds - generated from fees paid by private developers in lieu of implementing on-site public art per the Public Art on Private Development policy - are used to finance public art projects throughout the City. There are a number of pending Public Art projects to utilize this funding. |
|        | <b>148 Total</b> |                                     |                       | <b>-</b>          | <b>1,585,000</b>   |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 180    | 149              | Private Party Sidewalks             | Public Works          | 100,000           |                    | PWENSW2001                                  | FY20 Sidewalk Repair Program                                 | 1745         | Y                 | 149-54-623-673-0000-000-431-665110   |                 |                       | X                    | To continue and complete the project, currently in the construction phase                                                                                                                                                                                                                          |
| 181    | 149              | Private Party Sidewalks             | Public Works          | 50,000            |                    | PWENSW2401                                  | FY 2024 Sidewalk Repairs Program                             | 353          | Y                 | 149-54-623-674-0000-000-431-665110-  |                 |                       | X                    | On-going sidewalk repair project                                                                                                                                                                                                                                                                   |
| 182    | 149              | Private Party Sidewalks             | Public Works          |                   | 700,000            | PWENSW2401                                  | FY 2024 Sidewalk Repairs Program                             | 625          | Y                 | 149-54-623-674-0000-000-431-665110-  |                 |                       | X                    | Appropriate funding for the FY 2024 Sidewalk Repairs program                                                                                                                                                                                                                                       |
| 183    | 149              | Private Party Sidewalks             | Public Works          | 25,000            |                    | PWT1SW2201                                  | T1 Phase Sidewalk Mtc.. & Safety Rep                         | 1663         | Y                 | 149-54-623-674-0000-000-431-665110   |                 |                       | X                    | Unencumbered. carryover from FY23 to FY24                                                                                                                                                                                                                                                          |
|        | <b>149 Total</b> |                                     |                       | <b>175,000</b>    | <b>700,000</b>     |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 184    | 156              | Health State Aid Realignment        | HHCS                  |                   | 84,514             | HHPRLN2301-PERSONNEL-SALARY-SALARY          | 50% Health Educator (FPACT/Realignment)                      |              |                   | 156-51-506-555-0000-000-451-511110-  |                 |                       | X                    | New Health Educator position will provide subject matter expertise in supervision of community outreach workers and address an existing need in our High School Health Center as well as our Chronic Disease Prevention Program Area. REQ 2023-01567                                               |
| 185    | 156              | Health State Aid Realignment        | HHCS                  |                   | 84,514             | HHPRLN2301-PERSONNEL-SALARY-SALARY          | 50% Health Educator (Measure A/Realignment)                  |              |                   | 156-51-506-555-0000-000-451-511110-  |                 |                       | X                    | New Health Educator position will supervise community outreach workers and support the Shots for Schools work that aligns with the Immunization Program's deliverable of school compliance with student immunization and reporting. REQ 2023-01568                                                 |
|        | <b>156 Total</b> |                                     |                       | <b>-</b>          | <b>169,028</b>     |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 186    | 157              | Tobacco Control                     | HHCS                  | 31,200            |                    |                                             | LLA-State Tobacco                                            | 732          | Y                 | 157-51-506-559-2053-000-451-612990-  |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                                                                                |
| 187    | 157              | Tobacco Control                     | HHCS                  |                   | 16,809             |                                             | LLA-State Tobacco                                            | 732          | Y                 | 157-51-506-559-2053-000-451-511110-  |                 |                       | X                    | Personnel Based on Allocation for FY24                                                                                                                                                                                                                                                             |
| 188    | 157              | Tobacco Control                     | HHCS                  |                   | 43,850             |                                             | LLA-State Tobacco                                            |              |                   | 157-51-506-559-2053-000-451-various- |                 |                       | X                    | Appropriate funding based on Allocation for FY 2024                                                                                                                                                                                                                                                |
|        | <b>157 Total</b> |                                     |                       | <b>31,200</b>     | <b>60,659</b>      |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 189    | 158              | Mental Health State Aid Realignment | HHCS                  |                   | 53,424             | HHMRLADM23                                  | Realignment Admin                                            | 1556         | Y                 | 158-51-503-520-0000-000-451-651120-  |                 | X                     |                      | Appropriate funds for contract amendment with JotForm, Inc. Approved by Council on 7/11/23 through Resolution 70,944 - N.S.                                                                                                                                                                        |
| 190    | 158              | Mental Health State Aid Realignment | HHCS                  |                   | 50,000             | HHMRLADM23-NONPERSONN-CONTRSERVI-MISCPROFSV | Blooming Willow Coaching contract                            | 858          | Y                 | 158-51-503-520-0000-000-451-612990   |                 |                       | X                    | Staff Counseling and Mediation services                                                                                                                                                                                                                                                            |
| 191    | 158              | Mental Health State Aid Realignment | HHCS                  |                   | 150,000            | HHMRLADM23-NONPERSONN-CONTRSERVI-MISCPROFSV | Council-approved FY24 Mental Health Services Act plan        | 860          | Y                 | 158-51-503-520-0000-000-451-612990   |                 |                       | X                    | Council-approved FY24 Mental Health Services Act plan to provide mental health services, Reso # 70,990                                                                                                                                                                                             |
|        | <b>158 Total</b> |                                     |                       | <b>-</b>          | <b>253,424</b>     |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 192    | 159              | Citizens Options                    | Police                |                   | 150,000            |                                             | Under cover vehicle contract, On-call Phlebotomists contract | 1079         | Y                 | 159-71-705-820-0000-000-421-612990-  |                 |                       | X                    | Continue various contracts for support of police operations                                                                                                                                                                                                                                        |
|        | <b>159 Total</b> |                                     |                       | <b>-</b>          | <b>150,000</b>     |                                             |                                                              |              |                   |                                      |                 |                       |                      |                                                                                                                                                                                                                                                                                                    |
| 193    | 164              | Measure FF                          | Fire                  |                   | 300,000            |                                             | FY24 Swifhawk Contract                                       | 315          | Y                 | 164-72-742-834-0000-000-422-612990-  |                 |                       | X                    | Project Management & Consulting to the Fire Dept.                                                                                                                                                                                                                                                  |
| 194    | 164              | Measure FF                          | Fire                  |                   | 86,000             |                                             | 1 Training division van and Lehr retrofit                    | 315          | Y                 | 164-72-742-836-0000-000-422-664120-  |                 |                       | X                    | 1 Van to transport Training division staff to perform their duties                                                                                                                                                                                                                                 |
| 195    | 164              | Measure FF                          | Fire                  |                   | 120,000            |                                             | 2 Ford Ranges for FP Team                                    | 315          | Y                 | 164-72-743-000-0000-000-422-664120-  |                 |                       | X                    | Fire Prevention Team needs the 2 Ford Rangers to perform their duties.                                                                                                                                                                                                                             |

| Item # | Fund #           | Fund Name                | Department   | Carryover Request | Adjustment Request | Project Number                     | Description/Project name              | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                                                    | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                  |
|--------|------------------|--------------------------|--------------|-------------------|--------------------|------------------------------------|---------------------------------------|--------------|-------------------|-------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 196    | 164              | Measure FF               | Fire         |                   | 129,000            |                                    | WUI Ford Truck, Lehr retrofit and van | 315          | Y                 | 164-72-745-000-0000-000-422-664120-                                                                               |                 |                       | X                    | WUI Staff needs a truck and van to perform their duties                                                                                                                                                 |
| 197    | 164              | Measure FF               | Fire         |                   | 168,000            |                                    | Zoll and Stryker Contracts            | 315          | Y                 | 164-72-742-837-0000-000-423-612990-                                                                               |                 |                       | X                    | Approved resolutions for: Zoll contract for ECG monitor/defibrillator support for emergency response vehicles and Stryker preventative maintenance and service plan contract for CPR units.             |
| 198    | 164              | Measure FF               | Fire         |                   | 22,000             |                                    | Ambulance purchase                    | 315          | Y                 | 164-72-742-837-0000-000-423-664120-                                                                               |                 |                       | X                    | Funds needed to bridge funding by PW for new ambulance                                                                                                                                                  |
|        | <b>164 Total</b> |                          |              |                   | <b>-</b>           |                                    |                                       |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                         |
| 199    | 302              | Operating Grants - State | HHCS         |                   | 637,272            | HHOFPH2301-PERSONNEL-SALARY-SALARY | Future of Public Health grant         | 862          | Y                 | 302-51-501-501-0000-000-451-511110-                                                                               |                 |                       | X                    | The Future of Public Health (FoPH) grant supports workforce development and the strengthening of our health infrastructure. FY24 Budget Salary (calculate unspent personnel in FY23 and add to budget). |
| 200    | 302              | Operating Grants - State | HHCS         | 109,276           |                    |                                    | Future of Public Health               | 864          | Y                 | 302-51-501-501-0000-000-451-613130-<br>302-51-501-501-0000-000-451-634120-<br>302-51-501-501-0000-000-451-651110- |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                     |
| 201    | 302              | Operating Grants - State | HHCS         |                   | 413,106            |                                    | Future of Public Health               | 862          | Y                 | 302-51-501-501-0000-000-451-520560-                                                                               |                 |                       | X                    | FY24 Budget Benefits (no project)                                                                                                                                                                       |
| 202    | 302              | Operating Grants - State | HHCS         |                   | 61,911             |                                    | Program Manager II - Homeless         |              |                   | 302-51-504-530-2027-000-444-511110-<br>302-51-504-530-2027-000-444-520560                                         |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$238,121                                          |
| 203    | 302              | Operating Grants - State | HHCS         |                   | 12,746             |                                    | Community Service Specialist I        |              |                   | 302-51-504-530-2027-000-444-511110-<br>302-51-504-530-2027-000-444-520560-                                        |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$141,624.                                         |
|        | <b>302 Total</b> |                          |              | <b>109,276</b>    | <b>1,125,036</b>   |                                    |                                       |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                         |
| 204    | 305              | Capital Grants - Fed     | Public Works | 7,614,496         |                    | PWTRCS2001                         | Southside Complete Streets            | 359          | Y                 | 305-54-622-668-0000-000-431-612310/511110/520560/665110                                                           |                 |                       | X                    | To continue and complete the project                                                                                                                                                                    |
|        | <b>305 Total</b> |                          |              | <b>7,614,496</b>  | <b>-</b>           |                                    |                                       |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                         |
| 205    | 306              | Capital Grants - State   | Public Works | 252,657           |                    | PWTRBP2001                         | Addison Bikeway                       | 443          |                   | 306-54-622-668-0000-000-431-511110/520560/665110/612310                                                           |                 |                       | X                    | To continue the project                                                                                                                                                                                 |
| 206    | 306              | Capital Grants- State    | Public Works | 417,152           |                    | PWTRBP2201                         | MLK JR Way Vision Zero Quick Build    | 308          |                   | 306-54-622-668-0000-000-431-612310-/665110                                                                        |                 |                       | X                    | To continue the project, currently in the construction phase                                                                                                                                            |
| 207    | 306              | Capital Grants - State   | Public Works | 191,169           |                    | PWTRBP2205                         | Woolsey-Fulton Bike Blvd STI Funds    | 409          | Y                 | 306-54-622-668-0000-000-431-612310/511110/520560/665110                                                           |                 |                       | X                    | To continue and complete the project                                                                                                                                                                    |
| 208    | 306              | Capital Grants - State   | Public Works | 274,207           |                    | PWTRCS2003                         | University Ave Bus Boulevard          | 446          | Y                 | 306-54-622-668-0000-000-431-612310-/511110/520560/665110                                                          |                 |                       | X                    | To continue the University Ave. Bus Blvd. project                                                                                                                                                       |
| 209    | 306              | Capital Grants - State   | Public Works | (156,463)         |                    | PWTRCS2202                         | Shattuck - MLK Bus Stops              | 236          | Y                 | 306-54-622-668-0000-000-431-612310-                                                                               |                 |                       | X                    | Reversing \$156,463 from journal #341 to correct available grant funding amount for project                                                                                                             |
| 210    | 306              | Capital Grants - State   | Public Works | 551,781           |                    | PWTRCS2202                         | Shattuck - MLK Bus Stops              | 341          | Y                 | 306-54-622-668-0000-000-431-511110-/520560/612310                                                                 |                 |                       | X                    | Grant funding to continue the project                                                                                                                                                                   |
| 211    | 306              | Capital Grants - State   | Public Works | 482,571           |                    | PWTRCS2203                         | University Ave Bus Stop               | 331          | Y                 | 306-54-622-668-0000-000-431-511110-/520560/612310/665110                                                          |                 |                       | X                    | To continue and complete the project, currently in the engineering phase.                                                                                                                               |
|        | <b>306 Total</b> |                          |              | <b>2,013,074</b>  | <b>-</b>           |                                    |                                       |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                         |

| Item # | Fund #           | Fund Name              | Department                        | Carryover Request | Adjustment Request | Project Number                                                                   | Description/Project name                                  | Budget Mod # | Updated? (Y or N) | To Budget Code                                                             | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                              |
|--------|------------------|------------------------|-----------------------------------|-------------------|--------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------|--------------|-------------------|----------------------------------------------------------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 212    | 307              | Capital Grants -Local  | Parks, Recreation, and Waterfront |                   | 5,143,685          | PRWWF24002                                                                       | Berkeley Pier with Ferry Access Project                   |              |                   | 319-52-545-000-0000-000-461-720003-                                        |                 |                       | X                    | Adjustment to add ACTC grant funds for the Berkeley Pier with Ferry Access Project                                                                                                                                                                                  |
| 213    | 307              | Capital Grants - Local | Public Works                      | 36,842            |                    | PWTRBP2204                                                                       | Ohlone Greenway Mod & Safety Project                      | 444          | Y                 | 307-54-622-668-0000-000-431-612310-                                        |                 |                       | X                    | To continue the project                                                                                                                                                                                                                                             |
| 214    | 307              | Capital Grants - Local | Public Works                      | 180,000           |                    | PWTRCS2204                                                                       | Telegraph Study & PE                                      | 75           | Y                 | 307-54-622-668-0000-000-431-612310-                                        |                 |                       | X                    | To continue the project                                                                                                                                                                                                                                             |
| 215    | 307              | Capital Grants - Local | Public Works                      | 495,000           |                    | PWTRCT2201                                                                       | Adeline Street TIP (MLK TO Oakland border)                | 1746         | Y                 | 307-54-622-668-0000-000-431-612310-                                        |                 |                       | X                    | Carryover for the Adeline Street TIP project                                                                                                                                                                                                                        |
|        | <b>307 Total</b> |                        |                                   | <b>711,842</b>    | <b>5,143,685</b>   |                                                                                  |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                                                                                                                     |
| 216    | 309              | OTS DUI Enforcement    | Police                            |                   | 269,000            |                                                                                  | Office of Traffic Safety Grant                            | 1079         | Y                 | 309-71-703-812-0000-000-421-513110-                                        |                 |                       | X                    | New OTS grant PT24016                                                                                                                                                                                                                                               |
|        | <b>309 Total</b> |                        |                                   | <b>-</b>          | <b>269,000</b>     |                                                                                  |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                                                                                                                     |
| 217    | 310              | HOME                   | HHCS                              |                   | 33,337             |                                                                                  | Program Manager II - Homeless                             |              |                   | 310-51-504-530-0000-000-444-511110-<br>310-51-504-530-0000-000-444-520560  |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$238,121                                                                                                      |
| 218    | 310              | HOME                   | HHCS                              |                   | 38,238             |                                                                                  | Community Service Specialist I                            |              |                   | 310-51-504-530-0000-000-444-511110-<br>310-51-504-530-0000-000-444-520560  |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$141,624.                                                                                                     |
|        | <b>310 Total</b> |                        |                                   | <b>-</b>          | <b>71,575</b>      |                                                                                  |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                                                                                                                     |
| 219    | 311              | ESG                    | HHCS                              |                   | 205,537            |                                                                                  | Pathways STAIR Center                                     |              |                   | 311-51-504-530-0000-000-444-636110-                                        |                 |                       | X                    | Pathways STAIR Center Bay Area Community Services contract #319000273                                                                                                                                                                                               |
|        | <b>311 Total</b> |                        |                                   | <b>-</b>          | <b>205,537</b>     |                                                                                  |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                                                                                                                     |
| 220    | 312              | Health (General)       | HHCS                              |                   | 3,033              | HHOHIV2301-PERSONNEL-SALARY-SALARY                                               | HIV Surveillance                                          |              |                   | 312-51-501-503-2057-000-451-511110-                                        |                 |                       | X                    | PERSONNEL BASED ON ALLOCATION FOR FY24                                                                                                                                                                                                                              |
| 221    | 312              | Health (General)       | HHCS                              |                   | 10,064             | HHOSTD2301-PERSONNEL-SALARY-SALARY                                               | STD Management                                            |              |                   | 312-51-501-503-2057-000-451-511110-                                        |                 |                       | X                    | PERSONNEL BASED ON ALLOCATION FOR FY24                                                                                                                                                                                                                              |
| 222    | 312              | Health (General)       | HHCS                              |                   | 9,101              | HHOTBR2301-PERSONNEL-SALARY-SALARY<br>HHOTBR2301-NONPERSONN-OPERATING-MISCPROFSV | TB Real Time Allotment                                    | 169          | Y                 | 312-51-501-503-2077-000-451-511110-<br>312-51-501-503-2077-000-451-612990- |                 |                       | X                    | New grant allocation for FY24                                                                                                                                                                                                                                       |
| 223    | 312              | Health (General)       | HHCS                              |                   | 413,713            | HHPHVP2401                                                                       | California Home Visiting Program                          | 1575         | Y                 | 312-51-506-562-2055-000-451-various                                        |                 | X                     | X                    | Appropriate grant funds from the California Department of Public Health for Home Visiting Program to provide home visits by trained professional during pregnancy and in the first few years of life. Approved by Council on 1/17/23 through Resolution 70,659-N.S. |
| 224    | 312              | Health (General)       | HHCS                              |                   | 94,514             | HHPSFP2301-PERSONNEL-SALARY-SALARY                                               | 50% Health Educator (FPACT/Realignment)                   |              |                   | 312-51-506-560-0000-000-451-511110-                                        |                 |                       | X                    | New Health Educator position will provide subject matter expertise in supervision of community outreach workers and address an existing need in our High School Health Center as well as our Chronic Disease Prevention Program Area. REQ 2023-01567                |
| 225    | 312              | Health (General)       | HHCS                              |                   | 13,310             | HHPWIC2301-NONPERSONN*                                                           | FFY24 WIC Contract Amendment #3 Operating Budget Increase |              |                   | 312-51-506-562-2061-000-451-6*                                             |                 |                       | X                    | FFY24 WIC (Women, Infants, & Children) Program Contract Amendment #3 Operating Budget Increase                                                                                                                                                                      |
| 226    | 312              | Health (General)       | HHCS                              |                   | 813,089            |                                                                                  | Immunizations - Round 3 and 4                             | 1392         | Y                 | 312-51-506-562-2075-000-451-various                                        |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                                                 |

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**FY 2023 Unencumbered Carryover and FY 2024 Adjustments (AAO#1)**

| Item # | Fund #           | Fund Name                         | Department | Carryover Request | Adjustment Request | Project Number                              | Description/Project name                                | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                             |
|--------|------------------|-----------------------------------|------------|-------------------|--------------------|---------------------------------------------|---------------------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 227    | 312              | Health (General)                  | HHCS       | 861               |                    |                                             | State - Oral Health                                     |              |                   | 312-51-506-564-0000-000-451-634230- |                 |                       | X                    | Carryover from unspent previous year                                                                                               |
|        | <b>312 Total</b> |                                   |            | <b>861</b>        | <b>1,356,824</b>   |                                             |                                                         |              |                   |                                     |                 |                       |                      |                                                                                                                                    |
| 228    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 30,948             | HHAMAA2301-NONPERSONN-OPERATING-SOFTWARE    | Aging FY24 Persimmony Contract                          |              |                   | 313-51-505-540-2070-000-444-613130- |                 |                       | X                    | Change to expenditure contract funding per outside consultant (HFA) TCM (Targeted Case Management) recommendations                 |
| 229    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 38,936             | HHAMAA2301-PERSONNEL-SALARY-SALARY          | Aging MAA LGA Coordinator                               |              |                   | 313-51-505-540-2070-000-444-511110- |                 |                       | X                    | Change to personnel labor/cost distribution per outside consultant (HFA) TCM (Targeted Case Management) findings & recommendations |
| 230    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 2,500              | HHATCM2301-NONPERSONN-OPERATING-MISCPROFSV  | Hansine Fisher & Associates (consultant) Contract       |              |                   | 313-51-505-548-2071-000-444-612990- |                 |                       | X                    | Contract with Hansine Fisher & Associates providing an analysis and recommendations on TCM (Targeted Case Management) Program      |
| 231    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 181,200            | HHATCM2301-NONPERSONN-Various               | Aging TCM Program                                       | 1584         | Y                 | 313-51-505-548-2071-000-444-various |                 |                       | X                    | FY24 operating budget for Aging TCM                                                                                                |
| 232    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 5,869              | HHPMAA2301-NONPERSONN-OPERATING-SOFTWARE    | Public Health FY24 Persimmony Contract                  |              |                   | 313-51-506-556-2070-000-451-613130- |                 |                       | X                    | Change to expenditure contract funding per outside consultant (HFA) TCM (Targeted Case Management) recommendations                 |
| 233    | 313              | Targeted Case Management/Linkages | HHCS       |                   | 38,936             | HHPMAA2301-PERSONNEL-SALARY-SALARY          | Public Health MAA LGA Coordinator                       |              |                   | 313-51-506-556-2070-000-451-511110- |                 |                       | X                    | Change to personnel labor/cost distribution per outside consultant (HFA) TCM (Targeted Case Management) findings & recommendations |
|        | <b>313 Total</b> |                                   |            | <b>-</b>          | <b>298,389</b>     |                                             |                                                         |              |                   |                                     |                 |                       |                      |                                                                                                                                    |
| 234    | 315              | Mental Health Services Act        | HHCS       |                   | 100,000            | HHMHSCAD23-NONPERSONN-GRANTS&G-CMMNTYAGY    | Wright Institute contract# 32200055                     | 854          | Y                 | 315-51-503-526-2017-000-451-636110  |                 |                       | X                    | For Wright Institute contract# 32200055                                                                                            |
| 235    | 315              | Mental Health Services Act        | HHCS       |                   | 300,000            | HHMHSCDG23-NONPERSONN-CONTRSERVI-MISCPROFSV | Council-approved FY24 Mental Health Services Act plan   | 859          | Y                 | 315-51-503-526-2017-000-451-612990  |                 | X                     |                      | Council-approved FY24 Mental Health Services Act plan to provide mental health services, Reso # 70,990                             |
| 236    | 315              | Mental Health Services Act        | HHCS       |                   | 300,000            | HHMHSCDG23-NONPERSONN-GRANTS&G-CMMNTYAGY    | Contract: #31900009 with vendor BOSS for McKinley House | 856          | Y                 | 315-51-503-526-2017-000-451-636110  |                 |                       | X                    | Contract 31900009 with BOSS to provide housing services                                                                            |
| 237    | 315              | Mental Health Services Act        | HHCS       |                   | 983,866            | HHMHSCDW23                                  | Wellness Center                                         | 1558         | Y                 | 315-51-503-526-2017-000-451-636110- |                 |                       | X                    | FY24 budget to support operating costs for the Berkeley Wellness Center located at 1909 University Avenue.                         |
| 238    | 315              | Mental Health Services Act        | HHCS       |                   | 1,200,000          |                                             | Mental Health Services Act INN encampment contract      | 861          | Y                 | 315-51-503-526-2020-000-451-636110  |                 |                       | X                    | Council-approved FY24 Mental Health Services Act plan to provide mental health services, Reso # 70,990                             |
|        | <b>315 Total</b> |                                   |            | <b>-</b>          | <b>2,883,866</b>   |                                             |                                                         |              |                   |                                     |                 |                       |                      |                                                                                                                                    |
| 239    | 316              | Health (Short/Doyle)              | HHCS       |                   | 1,520,000          | HHMCSYS23-NONPERSONN-CONTRSERVI-MEDICAL     | Jackson & Coker (Locum Tenens Psychiatrists)            | 857          | Y                 | 316-51-503-520-0000-000-451-612410  |                 |                       | X                    | Contract for psychiatry services #104289-1                                                                                         |
|        | <b>316 Total</b> |                                   |            | <b>-</b>          | <b>1,520,000</b>   |                                             |                                                         |              |                   |                                     |                 |                       |                      |                                                                                                                                    |
| 240    | 320              | Senior Nutrition (Title III)      | HHCS       |                   | 8,676              | HHACON2301-PERSONNEL-SALARY-SALARY          | C1 Congregate Meals Grant                               |              |                   | 320-51-505-549-2041-000-444-511110- |                 |                       | X                    | FY24 grant budget allocation increase approved by funder                                                                           |
| 241    | 320              | Senior Nutrition (Title III)      | HHCS       |                   | 26,708             | HHACON2301-PERSONNEL-SALARY-SALARY          | C2 Meals on Wheels Grant                                |              |                   | 320-51-505-549-2044-000-444-511110- |                 |                       | X                    | FY24 grant budget allocation increase approved by funder                                                                           |

| Item # | Fund #           | Fund Name                         | Department            | Carryover Request | Adjustment Request | Project Number                     | Description/Project name                           | Budget Mod # | Updated? (Y or N) | To Budget Code                                | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                |
|--------|------------------|-----------------------------------|-----------------------|-------------------|--------------------|------------------------------------|----------------------------------------------------|--------------|-------------------|-----------------------------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 242    | 320              | Senior Nutrition (Title III)      | HHCS                  | 10,649            |                    | HHACON2302-PERSONNEL-SALARY-SALARY | C1 ARPA Funding                                    |              |                   | 320-51-505-549-2041-000-444-511110-           |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                   |
| 243    | 320              | Senior Nutrition (Title III)      | HHCS                  | 14,500            |                    | HHAMOW2302-PERSONNEL-SALARY-SALARY | C2 ARPA Funding                                    |              |                   | 320-51-505-549-2044-000-444-511110-           |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                   |
|        | <b>320 Total</b> |                                   |                       | <b>25,149</b>     | <b>35,384</b>      |                                    |                                                    |              |                   |                                               |                 |                       |                      |                                                                                                                                                                                                                                       |
| 244    | 325              | Vector Control                    | HHCS                  |                   | 131,468            |                                    | Vector Control                                     | 722          | Y                 | 325-51-502-511-2003-000-451-various-          |                 |                       | X                    | Operations Cost Based on Allocation for FY24                                                                                                                                                                                          |
|        | <b>325 Total</b> |                                   |                       | -                 | <b>131,468</b>     |                                    |                                                    |              |                   |                                               |                 |                       |                      |                                                                                                                                                                                                                                       |
| 245    | 326              | Alameda County Grants             | HHCS                  |                   | 1,973              | HHPBAC2301-PERSONNEL-SALARY-ADMIN  | Berkeley High School Health Center budget increase |              |                   | 326-51-506-561-0000-000-451-511110-           |                 |                       | X                    | FY24 approved personnel budget increase approved by funder                                                                                                                                                                            |
| 246    | 326              | Alameda County Grants             | HHCS                  |                   | 8,134              |                                    | TOB-County Tobacco                                 |              |                   | 326-51-506-559-2053-000-451-511110-           |                 |                       | X                    | Personnel Based on Allocation for FY24                                                                                                                                                                                                |
| 247    | 326              | Alameda County Grants             | HHCS                  |                   | 129,642            |                                    | SEED-Foster Care                                   |              |                   | 326-51-506-556-2046-000-451-various           |                 |                       | X                    | Personnel and Operation Cost Based on Allocation for FY 2024                                                                                                                                                                          |
| 248    | 326              | Alameda County Grants             | HHCS                  |                   | 14,200             |                                    | Measure A                                          |              |                   | 326-51-506-560-0000-000-451-612990- & 642990- |                 |                       | X                    | Operations Cost Based on Allocation for FY24                                                                                                                                                                                          |
|        | <b>326 Total</b> |                                   |                       | -                 | <b>153,949</b>     |                                    |                                                    |              |                   |                                               |                 |                       |                      |                                                                                                                                                                                                                                       |
| 249    | 327              | Senior Supportive Social Services | HHCS                  |                   | 56,803             | HHAINA2301-PERSONNEL-SALARY-SALARY | Senior Center Activities Grant                     |              |                   | 327-51-505-544-2035-000-444-511110-           |                 |                       | X                    | Increases to FY24 grant allocation                                                                                                                                                                                                    |
| 250    | 327              | Senior Supportive Social Services | HHCS                  | 21,992            |                    | HHAINA2302-PERSONNEL-SALARY-SALARY | Information and Assistance ARPA Funding            |              |                   | 327-51-505-544-2035-000-444-511110-           |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                   |
|        | <b>327 Total</b> |                                   |                       | <b>21,992</b>     | <b>56,803</b>      |                                    |                                                    |              |                   |                                               |                 |                       |                      |                                                                                                                                                                                                                                       |
| 251    | 328              | Family Care Support Program       | HHCS                  |                   | 56,452             | HHACAR2301-PERSONNEL-SALARY-SALARY | Family Caregiver Grant                             |              |                   | 328-51-505-540-2036-000-444-511110-           |                 |                       | X                    | FY24 grant budget allocation increase approved by funder                                                                                                                                                                              |
| 252    | 328              | Family Care Support Program       | HHCS                  | 18,867            |                    | HHACAR2302-PERSONNEL-SALARY-SALARY | Family Caregiver ARPA Funding                      |              |                   | 328-51-505-540-2036-000-444-511110-           |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                   |
| 253    | 328              | Family Care Support Program       | HHCS                  |                   | 17,363             | HHASRA2301-PERSONNEL-SALARY-SALARY | Senior Center Activities Grant                     |              |                   | 328-51-505-544-2069-000-444-511110-           |                 |                       | X                    | Personnel; based on new increased grant allocation for FY24                                                                                                                                                                           |
| 254    | 328              | Family Care Support Program       | HHCS                  | 7,181             |                    | HHASRA2302-PERSONNEL-SALARY-SALARY | Senior Center Activities ARPA Funding              |              |                   | 328-51-505-544-2069-000-444-511110-           |                 |                       | X                    | Carryover funding for Envision Connect Software Replacement project.                                                                                                                                                                  |
|        | <b>328 Total</b> |                                   |                       | <b>26,048</b>     | <b>73,815</b>      |                                    |                                                    |              |                   |                                               |                 |                       |                      |                                                                                                                                                                                                                                       |
| 255    | 336              | One-Time Grant                    | City Manager's Office |                   | 891,132            |                                    | Rodeway Inn Lease Costs                            |              |                   | 336-21-202-000-0000-000-412-612990:           |                 | X                     |                      | Appropriate State of California Encampment Resolution Funds for the lease at 1461 University Avenue (Rodeway Inn) for the purpose of establishing a homeless shelter. Approved by Council on 4/26/22 through Ordinance No. 7.807-N.S. |



| Item # | Fund # | Fund Name       | Department                        | Carryover Request | Adjustment Request | Project Number                     | Description/Project name                                                                     | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                                        | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                      |
|--------|--------|-----------------|-----------------------------------|-------------------|--------------------|------------------------------------|----------------------------------------------------------------------------------------------|--------------|-------------------|-------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 256    | 336    | One-Time Grant  | City Manager's Office/HHCS        |                   | 2,445,707          |                                    | 1619 University Avenue Campus Motel                                                          | 659          | Y                 | 336-21-202-000-0000-000-412-612990- (\$976,580) and 336-51-504-535-0000-000-444-636110- (\$1,469,127) |                 | X                     |                      | Appropriate State of California Encampment Resolution Funds for the lease at 1619 University Avenue (Campus Motel, LLC) for the purpose of establishing a homeless shelter. Approved by Council on 7/11/23 through Ordinance No. 7,881-N.S. |
| 257    | 336    | One-Time Grant  | HHCS                              |                   | 71,251             | HHMSPMHS23-PERSONNEL-SALARY-SALARY | MHSSA Grant                                                                                  | 1557         | Y                 | 336-51-503-523-2011-000-451-511110-                                                                   |                 |                       | X                    | FY24 budget for PCN#2243 MENTAL HEALTH PROG SUP - HHCS-MH - FAMILY & YOUTH SVCS salary                                                                                                                                                      |
| 258    | 336    | One-Time Grant  | HHCS                              |                   | 24,574             | HHOMSA2301-PERSONNEL-SALARY-SALARY | Tobacco Master Settlement - Infrastructure (MSA)                                             |              |                   | 326-51-501-503-2053-000-451-511110-                                                                   |                 |                       | X                    | FY24 PERSONNEL BASED ON ALLOCATION                                                                                                                                                                                                          |
| 259    | 336    | One-Time Grant  | HHCS                              | 9,495             |                    |                                    | Kitchen Electrification Grant                                                                | 168          | Y                 | 336-51-505-540-3011-000-444-664130-                                                                   |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                         |
| 260    | 336    | One-Time Grant  | HHCS                              | 508,094           |                    |                                    | California Equitable Recovery Initiative (CERI) and Crisis Care Mobile Units (CCMU)          | 199          | Y                 | 336-51-501-501-2075-000-451-various-                                                                  |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                                                                                         |
| 261    | 336    | One-Time Grant  | HHCS                              |                   | 198,435            |                                    | Prop 64                                                                                      | 285          | Y                 | 336-51-506-559-0000-000-451-511110-, 520560-, & 636110-                                               |                 |                       | X                    | FY 24 Salaries, Benefits, and encumber remaining funds of the BYA contract                                                                                                                                                                  |
| 262    | 336    | One-Time Grant  | Mayor & Council                   | 3,100             |                    |                                    | Grant for Paid Internships                                                                   |              |                   | 336-11-107-000-0000-000-411-512110-                                                                   |                 | X                     |                      | Carryover of fund for the Chancellor's Community Partnership Fund Grant for Paid Internships. Approved by Council on 09/15/2020 through Resolution No. 69,562-N.S.                                                                          |
| 263    | 336    | One-time Grant  | Non-Departmental                  |                   | 75,000             |                                    | San Francisco Foundation additional grant to support the Equitable Black Berkeley Initiative |              |                   | 336-21-201-000-0000-000-412-612990-                                                                   |                 | X                     |                      | Appropriate additional grant fund from the San Francisco Foundation to renew the existing ideation facilitator contract supporting the Equitable Black Berkeley Initiative                                                                  |
| 264    | 336    | One-Time Grant  | Parks, Recreation, and Waterfront | 253,851           |                    | PRWPK20005                         | Urban Greening Program                                                                       | 202          | Y                 | 336-52-545-000-0000-000-461-720003                                                                    |                 |                       | X                    | Carryover and increase in Urban Green program budget for FY24 grant activities.                                                                                                                                                             |
| 265    | 336    | One-Time Grant  | Parks, Recreation, and Waterfront | 591,666           |                    | PRWPK21008                         | Civic Center Turtle Island Monument                                                          | 1736         | Y                 | 336-52-545-000-0000-000-461-720003-                                                                   |                 |                       | X                    | Carryover for the Civic Center Fountain Garden project                                                                                                                                                                                      |
| 266    | 336    | One-Time Grant  | Parks, Recreation, and Waterfront | 467,670           |                    | PRWPK21012                         | Santa Fe Right-of-Way                                                                        | 916          | Y                 | 336-52-545-000-0000-000-461-720003                                                                    |                 |                       | X                    | Carryover grant funds for the Santa Fe ROW project.                                                                                                                                                                                         |
| 267    | 336    | One-Time Grant  | Parks, Recreation, and Waterfront | 209,950           |                    | PRWPK23005                         | EEMP 2021 Trees Make Life Better                                                             | 1043         | Y                 | 336-52-542-566-0000-000-461-663110- (\$100,000) & 336-52-545-000-0000-000-461-720003- (\$109,950)     |                 |                       | X                    | Carryover grant funds for Trees Make Life Better program                                                                                                                                                                                    |
| 268    | 336    | One-Time Grant  | Parks, Recreation, and Waterfront | 9,266             |                    | PRWT119007                         | Berkeley Pier with Ferry Access Project                                                      | 918          | Y                 | 336-52-545-000-0000-000-461-720003                                                                    |                 |                       | X                    | Carryover to complete concept planning for Berkeley Pier with Ferry Access Project.                                                                                                                                                         |
| 269    | 336    | One Time Grant  | Parks, Recreation, and Waterfront |                   | 3,000,000          | PRWWF24002                         | Berkeley Pier with Ferry Access Project                                                      |              |                   | 336-52-545-000-0000-000-461-720003-                                                                   |                 |                       | X                    | Adjustment to add WETA funds for the Berkeley Pier with Ferry Access Project.                                                                                                                                                               |
| 270    | 336    | One-Time Grants | Planning                          | 10,000            |                    |                                    | ECBE Grant                                                                                   | 458          | Y                 | 336-53-583-611-0000-000-441-612990-                                                                   |                 |                       | X                    | Project implementation delayed to FY24                                                                                                                                                                                                      |
| 271    | 336    | One-Time Grants | Planning                          | 20,000            |                    |                                    | StopWaste Grant for Utility Upgrades                                                         | 358          | Y                 | 336-53-583-611-0000-000-441-612990-                                                                   |                 |                       | X                    | Contract implementation delayed to FY24                                                                                                                                                                                                     |
| 272    | 336    | One-Time Grant  | Police                            |                   | 80,000             |                                    | Wellness & Mental Health Grant for FY24                                                      | 440          | Y                 | 336-71-704-816-0000-000-421-612990-                                                                   |                 | X                     |                      | Appropriate funds for the Wellness & Mental Health Grant for FY24. Approved by Council on 04/11/2023 through Resolution 70,763-N.S.                                                                                                         |
| 273    | 336    | One-Time Grant  | Police                            |                   | 60,507             |                                    | DOJ Grant for testing of Sexual Assault Evidence                                             | 1079         | Y                 | 336-71-703-811-0000-000-421-612990-                                                                   |                 |                       | X                    | Grant continues in FY24                                                                                                                                                                                                                     |

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**FY 2023 Unencumbered Carryover and FY 2024 Adjustments (AAO#1)**

| Item # | Fund #           | Fund Name                | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name                                  | Budget Mod # | Updated? (Y or N) | To Budget Code                                                             | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                  |
|--------|------------------|--------------------------|-----------------------------------|-------------------|--------------------|----------------|-----------------------------------------------------------|--------------|-------------------|----------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 274    | 336              | One-Time Grant           | Police                            |                   | 59,168             |                | CHP Cannabis Tax Fund Grant                               | 1079         | Y                 | 336-71-703-812-0000-000-421-513120-                                        |                 |                       | X                    | New Cannabis Grant FY23-24                                                                                                                                              |
| 275    | 336              | One-Time Grant           | Police                            |                   | 176,131            |                | DOJ Tobacco Grant                                         | 1079         | Y                 | 336-71-702-805-0000-000-421-513110-                                        |                 |                       | X                    | Grant continues in FY24                                                                                                                                                 |
| 276    | 336              | One-time Grant           | Public Works                      |                   | 172,865            | PWFMEI2401     | RRFB @ Shattuck/Berkeley Wy                               | 554          | Y                 | 336-54-624-695-0000-000-426-612310- and 665110-                            |                 |                       | X                    | Appropriate funding to start design and eventual installation of an RRFB at Shattuck/Berkeley Way                                                                       |
| 277    | 336              | One-time Grant           | Public Works                      |                   | 15,000             | PWTRPL2401     | SGA - Addison Bike Blvd Pilot                             | 1415         | Y                 | 336-54-622-662-0000-000-431-665110                                         |                 |                       | X                    | Add funding to support the one-time grant project                                                                                                                       |
| 278    | 336              | One-time Grant           | Public Works                      |                   | 165,580            |                | SB 1383 Local Assistance Grant Program (Calrecycle Grant) | 420          | Y                 | 336-54-627-733-3019-000-471-511110-                                        |                 | X                     |                      | Appropriate fund for the CalRecycle Grant - SB 1383 Local Assistance Grant Program. Approved by Council on 09/15/2020 through Resolution No. 69,546-N.S.                |
|        | <b>336 Total</b> |                          |                                   | <b>2,083,092</b>  | <b>7,435,351</b>   |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 279    | 340              | FEMA                     | Fire                              | 72,417            |                    |                | AFG Grant                                                 | 867          | Y                 | 340-72-742-836-0000-000-422-various-                                       |                 |                       | X                    | Carryover for FEMA- AFG grant that was extended                                                                                                                         |
|        | <b>340 Total</b> |                          |                                   | <b>72,417</b>     | -                  |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 280    | 344              | CALTRANS                 | Public Works                      | 38,897            |                    | PWTRCT1803     | NB BART/Sacramento St Complete Streets                    | 372          | Y                 | 344-54-622-668-0000-000-431-665110-                                        |                 |                       | X                    | To continue project                                                                                                                                                     |
|        | <b>344 Total</b> |                          |                                   | <b>38,897</b>     | -                  |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 281    | 347              | Shelter+Care HUD         | HHCS                              |                   | 71,436             |                | Program Manager II - Homeless                             |              |                   | 347-51-504-530-0000-000-444-511110-<br>347-51-504-530-0000-000-444-520560- |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$238,121          |
| 282    | 347              | Shelter+Care HUD         | HHCS                              |                   | 7,081              |                | Community Service Specialist I                            |              |                   | 347-51-504-530-0000-000-444-511110-<br>347-51-504-530-0000-000-444-520560- |                 |                       | X                    | Staffing Study position that was supported by the Budget and Finance Committee as part of Phase 2. This is entirely special fund funded. Total costs \$141,624.         |
|        | <b>347 Total</b> |                          |                                   | -                 | <b>78,518</b>      |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 283    | 350              | Bio-Terrorism Grant      | HHCS                              | 336,386           |                    |                | Workforce Development                                     | 199          | Y                 | 350-51-501-503-2075-000-451-various-                                       |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                     |
| 284    | 350              | Bio-Terrorism Grant      | HHCS                              |                   | 15,000             |                | PHEP-Base                                                 |              |                   | 350-51-506-557-0000-000-451-511110-                                        |                 |                       | X                    | Personnel Based on Allocation for FY24                                                                                                                                  |
| 285    | 350              | Bio-Terrorism Grant      | HHCS                              |                   | 7,273              |                | PHEP-CRI                                                  |              |                   | 350-51-506-557-2047-000-451-various-                                       |                 |                       | X                    | Personnel and Operations Cost Based on Allocation for FY24                                                                                                              |
|        | <b>350 Total</b> |                          |                                   | <b>336,386</b>    | <b>22,273</b>      |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 286    | 354              | American Rescue Plan     | City Manager Office               | 8,000             |                    | CMEDARPA3      | ARPA Business Assistance                                  | 1126         | Y                 | 354-21-208-251-0000-000-446-612990-                                        |                 |                       | X                    | Carryover for contract with the Berkeley Chamber of Commerce to business network, industry sector and commercial district support                                       |
| 287    | 354              | American Rescue Plan     | City Manager Office               | 10,000            |                    | CMEDARPA3      | ARPA Business Assistance                                  | 674          | Y                 | 354-21-208-251-0000-000-446-612990-                                        |                 |                       | X                    | Carryover for contract the City's sponsorship of RePicture's STEM Career Accelerator Program that will serve Serving 20 UC Berkeley and Berkeley City College Students. |
| 288    | 354              | American Rescue Plan     | HHCS                              | 1,300,868         |                    |                | ARPA Specialized Care Unit Program & Administration       | 199          | Y                 | 354-51-501-502-0000-000-451-various-                                       |                 |                       | X                    | Carryforward request of FY23 unspent grant funds to be used in FY24                                                                                                     |
| 289    | 354              | American Rescue Plan     | HHCS                              |                   | 1,000,000          |                | Housing Retention Program                                 |              |                   | 354-51-504-535-0000-000-444-636110-                                        |                 |                       | X                    | Eviction Defense Center Housing Retention Program, contract # 32100023, Reso #70,936                                                                                    |
|        | <b>354 Total</b> |                          |                                   | <b>1,318,868</b>  | <b>1,000,000</b>   |                |                                                           |              |                   |                                                                            |                 |                       |                      |                                                                                                                                                                         |
| 290    | 501              | Capital Improvement Fund | Non-Departmental                  | 400,000           |                    |                | Paperless Contract Workflow System                        | 213          | Y                 | 501-99-900-900-0000-000-412-720003-                                        |                 |                       | X                    | Carryover project funding but have been identified as one of the project funding to reallocate to the Measure T1 funding gap                                            |
| 291    | 501              | Capital Improvement Fund | Non-Departmental                  | 500,000           |                    |                | Business License Tax System                               | 213          | Y                 | 501-99-900-900-0000-000-412-720003-                                        |                 |                       | X                    | FY23 Tier 1 Supplemental - not used in FY23 due to resource availability.                                                                                               |
| 292    | 501              | Capital Improvement Fund | Parks, Recreation, and Waterfront | 10,000            |                    | PRWCP23003     | Cazadero Dorm Roof Repair                                 | 1532         | Y                 | 501-52-545-000-0000-000-461-662110-                                        |                 |                       | X                    | Carryover for the Cazadero Dorm Roof Repair Project                                                                                                                     |

| Item # | Fund # | Fund Name                | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name                           | Budget Mod # | Updated? (Y or N) | To Budget Code                                             | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                |
|--------|--------|--------------------------|-----------------------------------|-------------------|--------------------|----------------|----------------------------------------------------|--------------|-------------------|------------------------------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------------------|
| 293    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 52,305            |                    | PRWEM23001     | BTC Storm Damage Response                          | 908          | Y                 | 501-52-545-000-0000-000-461-624110-                        |                 |                       | X                    | Carryover for Boyer work to repair BTC.                                                               |
| 294    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 9,779             |                    | PRWPK22007     | Glendale LaLoma Play and ADA                       | 910          | Y                 | 501-52-545-000-0000-000-461-720003-                        |                 |                       | X                    | Carryover for Glendale LaLoma Play and ADA project.                                                   |
| 295    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 47,000            |                    | PRWPK22008     | Cedar Rose (2-5 And 5-12 Play Structure)           | 1323         | Y                 | 501-52-545-000-0000-000-461-635110- and 720003-            |                 |                       | X                    | Carryover for construction of the Cedar Rose Play Structure.                                          |
| 296    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 12,619            |                    | PRWPK22018     | Solano-Peralta Park Improvements                   | 915          | Y                 | 501-52-545-000-0000-000-461-663110-                        |                 |                       | X                    | Carryover to install play equipment at Solano Peralta Park.                                           |
| 297    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 79,595            |                    | PRWPK23007     | FY23 Pool Repairs                                  | 914          | Y                 | 501-52-545-000-0000-000-461-663110-                        |                 |                       | X                    | Carryover for Western Water Features work at King Pool.                                               |
| 298    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 255,000           |                    | PRWRC18002     | Echo Lake Camp ADA Improvement                     | 202          | Y                 | 501-52-545-000-0000-000-461-663110-                        |                 |                       | X                    | Carryover for the Echo Lake Camp ADA Improvement project                                              |
| 299    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 90,000            |                    | PRWT122011     | King Pool Tile & Plaster Replacement               | 581          | Y                 | 501-52-545-000-0000-000-461-663110-                        |                 |                       | X                    | Carryover for the King Pool Tile & Plaster Replacement project                                        |
| 300    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 51                |                    | PRWWF22002     | Waterfront Dredging                                | 533          | Y                 | 501-52-545-000-0000-000-461-637110-                        |                 |                       | X                    | Carryover for Waterfront Dredging Project                                                             |
| 301    | 501    | Capital Improvement Fund | Parks, Recreation, and Waterfront | 350,000           |                    | PRWWF23002     | South Sailing Basin Dredging                       | 913          | Y                 | 501-52-545-000-0000-000-461-612310-                        |                 |                       | X                    | Carryover for South Sailing Basin Dredging. Project will start in FY24.                               |
| 302    | 501    | Capital Improvement Fund | Public Works                      | 23,015            |                    | PWENBM2002     | Fire Station #3 Roof Upgrade                       | 1205         | Y                 | 501-54-623-677-0000-000-444-612310-                        |                 |                       | X                    | Carryover funding for the Fire Station #3 Roof Upgrade project.                                       |
| 303    | 501    | Capital Improvement Fund | Public Works                      | 180,102           |                    | PWENBM2005     | CY Lift Pits - Bldg. G                             | 1553         | Y                 | 501-54-623-677-0000-000-444-511110/ 612990/ 624110/ 637110 |                 |                       | X                    | Carryover funding to continue the project                                                             |
| 304    | 501    | Capital Improvement Fund | Public Works                      | 121,704           |                    | PWENBM2203     | PSB BICYCLE BUNKER ROOF REPAIR                     | 420          | Y                 | 501-54-623-677-0000-000-444-various-                       |                 |                       | X                    | Carryover funding to continue project                                                                 |
| 305    | 501    | Capital Improvement Fund | Public Works                      | 13,883            |                    | PWENBM2207     | 1947 Center Street Bottle Fill Stations            | 624          | Y                 | 501-54-623-677-0000-000-444-various-                       |                 |                       | X                    | Carryover for the 1947 Center Street Bottle Fill Stations project                                     |
| 306    | 501    | Capital Improvement Fund | Public Works                      | 17,949            |                    | PWENBM2208     | Carpet Replacement - Civic Center Building Phase 2 | 625          | Y                 | 501-54-623-677-0000-000-444-624110-                        |                 |                       | X                    | Carryover for Carpet Replacement - Civic Center Building Phase 2 project                              |
| 307    | 501    | Capital Improvement Fund | Public Works                      | 75,762            |                    | PWENBM2209     | Civic Center Door Card Readers                     | 627          | Y                 | 501-54-623-677-0000-000-444-624110-                        |                 |                       | X                    | Carryover for the Civic Center Door Card Readers project                                              |
| 308    | 501    | Capital Improvement Fund | Public Works                      | 108,000           |                    | PWENBM2309     | Roll Up Door Automation /Replacement               | 629          | Y                 | 501-54-623-677-0000-000-444-511110- & 612990-              |                 |                       | X                    | Carryover for the Roll Up Door Automation/Replacement project                                         |
| 309    | 501    | Capital Improvement Fund | Public Works                      | 105,000           |                    | PWENBM2310     | Fueling Upgrades Corporation Yard                  | 630          | Y                 | 501-54-623-677-0000-000-444-511110- and 612990-            |                 |                       | X                    | Carryover for Fueling Upgrades Corporation Yard project                                               |
| 310    | 501    | Capital Improvement Fund | Public Works                      | 9,249             |                    | PWENBM2311     | NBSC Upgrades - Kitchen & Data                     | 406          | Y                 | 501-54-623-677-0000-000-444-511110-                        |                 |                       | X                    | Carryover funding to continue work on the NBSC Upgrades - Kitchen & Data project                      |
| 311    | 501    | Capital Improvement Fund | Public Works                      | 175,161           |                    | PWENBM2311     | NBSC Upgrades - Kitchen & Data                     | 1113         | Y                 | 501-54-623-673-0000-000-431-various-                       |                 |                       | X                    | Carryover funding to continue work on the NBSC Upgrades - Kitchen & Data project                      |
| 312    | 501    | Capital Improvement Fund | Public Works                      | 43,671            |                    | PWENBM2312     | Old City Hall Fire Sprinklers                      | 325          | Y                 | 501-54-523-677-0000-000-444-various-                       |                 |                       | X                    | Carryover funding to pay for project invoices                                                         |
| 313    | 501    | Capital Improvement Fund | Public Works                      | 42,186            |                    | PWENBM2313     | On-Call HVAC Services                              | 631          | Y                 | 501-54-623-677-0000-000-444-511110, 520560-, and 662110-   |                 |                       | X                    | Carryover for the HVAC On Call Services project                                                       |
| 314    | 501    | Capital Improvement Fund | Public Works                      | 15,144            |                    | PWENBM2314     | TC GARAGE Stairway Repair Emergency                | 1601         | Y                 | 501-54-623-673-0000-000-431-various-                       |                 |                       | X                    | Carryover funding to continue work on the Telegraph Channing Garage Stairway Emergency Repair project |

| Item # | Fund # | Fund Name                | Department   | Carryover Request | Adjustment Request | Project Number | Description/Project name                   | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                              | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                               |
|--------|--------|--------------------------|--------------|-------------------|--------------------|----------------|--------------------------------------------|--------------|-------------------|---------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------------------------|
| 315    | 501    | Capital Improvement Fund | Public Works | 155,776           |                    | PWENBM2315     | NBSC SIDING REPAIRS & WATERPROOFING        | 326          | Y                 | 501-54-623-677-0000-000-444-various-                                                        |                 |                       | X                    | Carryover funding to continue project                                                                |
| 316    | 501    | Capital Improvement Fund | Public Works | 642,245           |                    | PWENBM2316     | Control Systems Upgrade                    | 195          | Y                 | 501-54-623-677-0000-000-444-various-                                                        |                 |                       | X                    | Carryover from FY 2023 and appropriation of additional funds for the Control Systems Upgrade project |
| 317    | 501    | Capital Improvement Fund | Public Works | 3,533,169         |                    | PWENCB2001     | Telegraph/Channing Elevator Upgrade        | 1367         | Y                 | 501-54-623-677-0000-000-444-511110-/ 520560/ 612310/ 612990/ 613910/ 633110/ 637110/ 662110 |                 |                       | X                    | Carryover funding to continue the project into construction phase                                    |
| 318    | 501    | Capital Improvement Fund | Public Works | 309,214           |                    | PWENCB2105     | Stair Center ADA                           | 525          |                   | 501-54-623-677-0000-000-444-various-                                                        |                 |                       | X                    | Carryover for the Stair Center ADA project                                                           |
| 319    | 501    | Capital Improvement Fund | Public Works | 100,000           |                    | PWENCB2310     | EBCE Solar & Storage at Fire Station #3    | 527          | Y                 | 501-54-623-677-0000-000-444-various-                                                        |                 |                       | X                    | Carryover for the EBCE Solar & Storage at Fire Station #3                                            |
| 320    | 501    | Capital Improvement Fund | Public Works | 1,160,172         |                    | PWENEN2001     | EV Charging Station                        | 1445         |                   | 501-54-623-677-0000-000-444-663110-                                                         |                 |                       | X                    | Carryover funding for the continuation of the EV Charging Station project                            |
| 321    | 501    | Capital Improvement Fund | Public Works | 64,453            |                    | PWENPL2201     | CY Comprehensive Plan                      | 549          | Y                 | 501-54-623-677-0000-000-444-various-                                                        |                 |                       | X                    | Carryover for the CY Comprehensive Plan project                                                      |
| 322    | 501    | Capital Improvement Fund | Public Works | 90,319            |                    | PWENPL2301     | Standard Specifications and Details        | 373          | Y                 | 501-54-623-673-0000-000-431-511110/ 520560/ 612310-                                         |                 |                       | X                    | Update the City's standard specifications and details boilerplate                                    |
| 323    | 501    | Capital Improvement Fund | Public Works | 34,034            |                    | PWENRW2001     | Retaining Wall - 1332 Glendale Avenue      | 585          | Y                 | 501-54-623-673-0000-000-431-663110-                                                         |                 |                       | X                    | Carryover for the Retaining Wall - 1332 Glendale Avenue project                                      |
| 324    | 501    | Capital Improvement Fund | Public Works | 284,910           |                    | PWENRW2301     | Retaining Wall & Storm Drain Repair        | 189          | Y                 | 501-54-623-673-0000-000-431-various-                                                        |                 |                       | X                    | Carryover for the Retaining Wall & Storm Drain Repair project                                        |
| 325    | 501    | Capital Improvement Fund | Public Works | 59,639            |                    | PWENSD2305     | Strawberry Creek Culvert Repairs           | 1213         | Y                 | 501-54-623-675-0000-000-431-511110- and 612310                                              |                 |                       | X                    | Carryover funding for the Strawberry Creek Culvert Repairs project                                   |
| 326    | 501    | Capital Improvement Fund | Public Works | 97,520            |                    | PWENST2101     | Street Rehab FY 2021                       | 1339         | Y                 | 501-54-623-673-0000-000-431-665110-                                                         |                 |                       | X                    | Carryover funding for the Street Rehab FY 2021 project                                               |
| 327    | 501    | Capital Improvement Fund | Public Works | 267,909           |                    | PWENST2201     | Street Rehab FY 2022                       | 393          | Y                 | 501-54-623-673-0000-000-431-511110/ 520560/ 612310/ 635110/ 665110-                         |                 |                       | X                    | To continue and complete the project                                                                 |
| 328    | 501    | Capital Improvement Fund | Public Works | 33,489            |                    | PWENST2202     | Wildcat Canyon Emergency Repairs           | 386          | Y                 | 501-54-623-673-0000-000-431-665110-                                                         |                 |                       | X                    | To continue design & repairs at Wildcat Canyon                                                       |
| 329    | 501    | Capital Improvement Fund | Public Works | 208,161           |                    | PWENST2301     | Street Rehab FY 2023                       | 209          | Y                 | 501-54-623-673-0000-000-431-various                                                         |                 |                       | X                    | Carryover for FY 2023 Street Rehab project                                                           |
| 330    | 501    | Capital Improvement Fund | Public Works | 259,151           |                    | PWENST2401     | Street Rehab FY 2024                       | 1198         | Y                 | 501-54-623-673-0000-000-431-612310-                                                         |                 |                       | X                    | Carryover funding for the Street Rehab FY 2024 project                                               |
| 331    | 501    | Capital Improvement Fund | Public Works | 365,090           |                    | PWENST2501     | Street Rehab Program                       | 1723         | Y                 | 501-54-623-673-0000-000-431-612310/ 665110                                                  |                 |                       | X                    | For the Street Rehab program                                                                         |
| 332    | 501    | Capital Improvement Fund | Public Works | 199,400           |                    | PWENSW2001     | FY20 Sidewalk Repair Program               | 1745         | Y                 | 501-54-623-674-0000-000-431-665110                                                          |                 |                       | X                    | To continue and complete the project, currently in the construction phase                            |
| 333    | 501    | Capital Improvement Fund | Public Works | 367,317           |                    | PWENSW2002     | Sidewalk Shaving FY 2020                   | 1649         | Y                 | 501-54-623-674-0000-000-431-612990/ 665110                                                  |                 |                       | X                    | To continue the project, currently in the construction phase                                         |
| 334    | 501    | Capital Improvement Fund | Public Works | 91,637            |                    | PWENUD0906     | UUD#48 - Grizzly Peak                      | 1373         | Y                 | 501-54-623-679-0000-000-412-612990-                                                         |                 |                       | X                    | Carryover funding for the Undergrounding utility Wires in UUD#48-Grizzly Peak project                |
| 335    | 501    | Capital Improvement Fund | Public Works | 247,463           |                    | PWT1CB2205     | Fire Station #6 Renovation                 | 424          | Y                 | 501-54-623-677-0000-000-444-662110                                                          |                 |                       | X                    | To continue and complete the project                                                                 |
| 336    | 501    | Capital Improvement Fund | Public Works | 40,000            |                    | PWT1SW2202     | T1 Ph2 Pathway Repairs                     | 1651         | Y                 | 501-54-623-674-0000-000-431-665110                                                          |                 |                       | X                    | Needed for Contract Change order - Active Construction project                                       |
| 337    | 501    | Capital Improvement Fund | Public Works | 385,140           |                    | PWTRBP2201     | MLK JR Way Vision Zero Quick Build         | 308          | Y                 | 501-54-622-668-0000-000-431-612310-/665110                                                  |                 |                       | X                    | To continue the project, currently in the construction phase                                         |
| 338    | 501    | Capital Improvement Fund | Public Works | 33,171            |                    | PWTRPL2001     | Hopkins Street Corridor Project            | 84           | Y                 | 501-54-623-668-0000-000-431-612310s-                                                        |                 |                       | X                    | Carryover funding for the Hopkins Street Corridor Project                                            |
| 339    | 501    | Capital Improvement Fund | Public Works | 50,000            |                    | PWTRTC1902     | Dwight/California Intersection Improvement | 364          | Y                 | 501-54-622-668-0000-000-431-665110-                                                         |                 |                       | X                    | To continue and complete the project                                                                 |

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|--------|------------------|----------------------------------------------|-----------------------------------|-------------------|--------------------|----------------|-----------------------------------------------------------------------------|--------------|-------------------|----------------------------------------------------|-----------------|-----------------------|----------------------|------------------------------------------------------------------------------------|
| 340    | 501              | Capital Improvement Fund                     | Public Works                      | 13,800            |                    | PWTRTC2202     | Woolsey-Eton Traffic Calming                                                | 324          | Y                 | 501-54-622-668-0000-000-431-520560- /612310/637990 |                 |                       | X                    | To complete the project currently in the consulting phase.                         |
| 341    | 501              | Capital Improvement Fund                     | Public Works                      | 35,917            |                    | PWTRTC2203     | Claremont/Eton -Claremont Russell                                           | 1695         |                   | 501-54-622-668-0000-000-431-665110-                |                 |                       | X                    | To continue the project, currently in the construction phase                       |
| 342    | 501              | Capital Improvement Fund                     | Public Works                      | 62,618            |                    | PWTRTC2301     | Claremont/Eton -Claremont Russell                                           | 83           | Y                 | 501-54-622-668-0000-000-431-612990-                |                 |                       | X                    | To continue project                                                                |
| 343    | 501              | Capital Improvement Fund                     | Public Works                      | 125,529           |                    |                | Transportation CIP Project bucket                                           |              |                   | 501-54-622-668-3012-000-431-665110-                |                 |                       | X                    | Carryover for 3012 hold account currently not assigned to CIP projects.            |
| 344    | 501              | Capital Improvement Fund                     | Public Works                      | 250,000           |                    |                | ADA Implementation Plan                                                     | 671          |                   | 501-54-623-677-3014-000-444-663110                 |                 |                       | X                    | FY 2023 Tier 1 CIP funding for the ADA Transition Plan Update Implementation       |
| 345    | 501              | Capital Improvement Fund                     | Public Works                      | 475,423           |                    |                | Facilities Assessment, Carpet @ 2180 Milvia, PSB Upgrades, Evidence Storage | 685          |                   | 501-54-623-677-3014-000-444-662110-                |                 |                       | X                    | Facilities CIP baseline budget carryover required for higher planned project costs |
| 346    | 501              | Capital Improvement Fund                     | Public Works                      | 4,789,631         |                    |                |                                                                             | 561          |                   | 501-54-623-673-3012-000-431-665110-                |                 |                       | X                    | Carryover for 3012 hold account currently not assigned to CIP projects.            |
|        | <b>501 Total</b> |                                              |                                   | <b>17,569,472</b> | -                  |                |                                                                             |              |                   |                                                    |                 |                       |                      |                                                                                    |
| 347    | 502              | VOIP Replacement                             | Information Technology            | 203,450           |                    |                | ConvergeOne Contract                                                        |              |                   | 502-35-363-380-0000-000-412-632110-                |                 |                       | X                    | Funding needed for Avaya/Converge One Contract \$842,423 for 2 years               |
|        | <b>502 Total</b> |                                              |                                   | <b>203,450</b>    | -                  |                |                                                                             |              |                   |                                                    |                 |                       |                      |                                                                                    |
| 348    | 506              | Measure M - Street and Watershed Improvement | Public Works                      | 922,759           |                    | PWENSD2305     | Strawberry Creek Culvert Repairs                                            | 1213         | Y                 | 506-54-623-675-0000-000-431-665120-                |                 |                       | X                    | Carryover funding for the Strawberry Creek Culvert Repairs project                 |
|        | <b>506 Total</b> |                                              |                                   | <b>922,759</b>    | -                  |                |                                                                             |              |                   |                                                    |                 |                       |                      |                                                                                    |
| 349    | 511              | Measure T1 Infrastructure & Facilities       | City Manager's Office             |                   | 650,000            |                | Phase 2 Art Project Funds                                                   |              |                   | 511-21-208-252-0000-000-446-511110 & 612990-       |                 |                       | X                    | Appropriate Measure T1 Phase 2 Art Project Funds                                   |
| 350    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 61,651            |                    | PRWPK21008     | Civic Center Turtle Island Monument                                         | 1728         | Y                 | 511-52-545-000-0000-000-461-637110 & 612320-       |                 |                       | X                    | Carryover project budget to renovate Civic Center Turtle Island Monument           |
| 351    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 72,063            |                    | PRWPK21008     | Civic Center Turtle Island Monument                                         | 123          | Y                 | 511-52-545-000-0000-000-461-612320-                |                 |                       | X                    | Carryover funds for landscape architecture services (PGA Designs).                 |
| 352    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 203,598           |                    | PRWT122001     | MLK Jr. Youth Services Center                                               | 584          | Y                 | 511-52-545-000-0000-000-461-720003-                |                 |                       | X                    | Carryover for the MLK Jr. Youth Services Center project                            |
| 353    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 1,165,659         |                    | PRWT122002     | African American Holistic Resource Center                                   | 593          | Y                 | 511-52-545-000-0000-000-461-720003-                |                 |                       | X                    | Carryover for the African American Holistic Resource Center project.               |
| 354    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 400,000           |                    | PRWT122003     | Cazadero Dining Hall & ADA Improvements                                     | 595          | Y                 | 511-52-545-000-0000-000-461-612310-                |                 |                       | X                    | Carryover for Cazadero Dining Hall & ADA Improvement project                       |
| 355    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 5,916,764         |                    | PRWT122004     | Willard Clubhouse Restroom Replacement                                      | 551          | Y                 | 511-52-545-000-0000-000-461-720003 & 637110-       |                 |                       | X                    | Carryover for the Willard Clubhouse Restroom Replacement project                   |
| 356    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 29,912            |                    | PRWT122006     | Harrison Park - Restroom Renovation                                         | 596          | Y                 | 511-52-545-000-0000-000-461-720003                 |                 |                       | X                    | Carryover for Harrison Park Restroom renovation.                                   |
| 357    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 51,588            |                    | PRWT122007     | Ohlone Park - Restroom and Lighting                                         | 598          | Y                 | 511-52-545-000-0000-000-461-720003                 |                 |                       | X                    | Carryover for Ohlone Park- Restroom and Lighting project.                          |
| 358    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 10,001            |                    | PRWT122011     | King Pool Tile & Plaster Replacement                                        | 581          | Y                 | 511-52-545-000-0000-000-461-663110-                |                 |                       | X                    | Carryover for the King Pool Tile & Plaster Replacement project                     |
| 359    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 78,638            |                    | PRWT122013     | D and E Dock Replacement                                                    | 1013         | Y                 | 511-52-545-000-0000-000-461-720003                 |                 |                       | X                    | Carryover for D&E Dock Replacement project.                                        |
| 360    | 511              | Measure T1 Infrastructure & Facilities       | Parks, Recreation, and Waterfront | 170,000           |                    | PRWT122014     | K Dock Restroom Renovation                                                  | 600          | Y                 | 511-52-545-000-0000-000-461-720003                 |                 |                       | X                    | Carryover for K Dock Restroom renovation.                                          |

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|--------|------------------|----------------------------------------|-----------------------------------|-------------------|--------------------|----------------|-----------------------------------------------------|--------------|-------------------|----------------------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------------------------------|
| 361    | 511              | Measure T1 Infrastructure & Facilities | Parks, Recreation, and Waterfront | 145,000           |                    | PRWT122015     | Cesar Chavez Park - New Restroom (On Spinnaker)     | 1014         | Y                 | 511-52-545-000-0000-000-461-720003                 |                 |                       | X                    | Carryover for CCP Restroom.                                                                                       |
| 362    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 60,000            |                    | PWENS2103      | Storm Drain Impv-Marín, Virginia, and Spruce        | 1639         | Y                 | 511-54-623-675-0000-000-431-665120-                |                 |                       | X                    | Carryover for the Storm Drain Improvement - Marín, Virginia, & Spruce project to close it out                     |
| 363    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 188,256           |                    | PWT1CB2201     | South Berkeley Senior Center                        | 1204         | Y                 | 511-54-623-677-0000-000-444-various                |                 |                       | X                    | Carryover funding for the South Berkeley Senior Center project.                                                   |
| 364    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 280,944           |                    | PWT1CB2202     | Restrooms in the ROW                                | 1179         | Y                 | 511-54-623-677-0000-000-444-various-               |                 |                       | X                    | Carryover funding for the installation of new restrooms in the ROW project                                        |
| 365    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 333,927           |                    | PWT1CB2203     | 1947 Center Street Improvements                     | 1076         | Y                 | 511-54-623-677-0000-000-444-various                |                 |                       | X                    | Carryover funding for the 1947 Center St Improvements project                                                     |
| 366    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 164,200           |                    | PWT1CB2204     | Fire Station # 2 improvements                       | 1176         | Y                 | 511-54-623-677-0000-000-444-612310-                |                 |                       | X                    | Carryover funding for the Fire Station #2 Improvements project                                                    |
| 367    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 226,400           |                    | PWT1CB2205     | Fire Station #6 Renovation                          | 424          | Y                 | 511-54-623-677-0000-000-444-612310; 637110; 662110 |                 |                       | X                    | To continue and complete the project                                                                              |
| 368    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      |                   | 708,280            | PWT1CB2205     | Fire Station #6 Renovation                          | 1216         | Y                 | 511-54-623-677-0000-000-444-612310; 637110; 662110 |                 |                       | X                    | Appropriate funding for permits and consulting as well as reallocate \$666,101 to Measure T1 projects funding gap |
| 369    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 271,416           |                    | PWT1CB2207     | Telegraph-Channing Garage and Restroom Improvements | 1163         | Y                 | 511-54-623-677-0000-000-444-various-               |                 |                       | X                    | Carryover funding for Telegraph-Channing Garage and Restroom Improvements project                                 |
| 370    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 180,000           |                    | PWT1CB2208     | EMERG POWER SUPPLY SOLAR BATTERIES                  | 1092         | Y                 | 511-54-623-677-0000-000-444-612310-                |                 |                       | X                    | Carryover funding for the Emergency Power Supply Solar Batteries project                                          |
| 371    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      |                   | 250,000            | PWT1CB2208     | EMERG POWER SUPPLY SOLAR BATTERIES                  | 1231         | Y                 | 511-54-623-677-0000-000-444-663110-                |                 |                       | X                    | Appropriate funding to the project then reallocate to Measure T1 projects for funding gap                         |
| 372    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 121,711           |                    | PWT1CB2209     | PW CY IMPROV GREEN BLDG                             | 1086         | Y                 | 511-54-623-677-0000-000-444-various                |                 |                       | X                    | Carryover funding for Corp Yard Improvements - Building B (Green Room) project                                    |
| 373    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 50,000            |                    | PWT1CB2210     | PW CY IMPROV-WASH STATION                           | 1078         | Y                 | 511-54-623-677-0000-000-444-612310                 |                 |                       | X                    | Carryover funding for the Corp Yard Improvement - Wash Station project                                            |
| 374    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 37,198            |                    | PWT1CB2211     | PW CY IMPROV-BLDG H                                 | 1141         | Y                 | 511-54-623-677-0000-000-444-662110- and 613910     |                 |                       | X                    | Carryover funding for Corp Yard Storage Room - Roof Repair -Building H project                                    |
| 375    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 50,000            |                    | PWT1CB2212     | PW CY IMPROV-DEFERRED MT                            | 1157         | Y                 | 511-54-623-677-0000-000-444-612310-                |                 |                       | X                    | Carryover funding for Corp Yard Improvement - Deferred Maintenance project                                        |
| 376    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 150,000           |                    | PWT1ST2202     | T1 Phase 2 Bollards Project                         | 1648         |                   | 511-54-623-673-0000-000-431-612310; 635110; 665110 |                 |                       | X                    | To continue and complete the project                                                                              |
| 377    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 3,750,000         |                    | PWT1ST2209     | T1 Streets - Phase II                               | 1664         | Y                 | 511-54-623-673-0000-000-431-665110-                |                 |                       | X                    | Carryover funding for the T1 Streets - Phase II project                                                           |
| 378    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 246,225           |                    | PWT1SW2201     | T1 Phase Sidewalk Mtc.. & Safety Rep                | 1663         | Y                 | 511-54-623-674-0000-000-431-665110                 |                 |                       | X                    | To continue and complete the project                                                                              |
| 379    | 511              | Measure T1 Infrastructure & Facilities | Public Works                      | 113,377           |                    | PWT1SW2202     | T1 Ph2 Pathway Repairs                              | 1651         | Y                 | 511-54-623-674-0000-000-431-612310; 612990;        |                 |                       | X                    | To continue and complete the project                                                                              |
|        | <b>511 Total</b> |                                        |                                   | <b>14,528,528</b> | <b>1,608,280</b>   |                |                                                     |              |                   |                                                    |                 |                       |                      |                                                                                                                   |
| 380    | 512              | Measure O Hsg                          | Public Works                      | 281,417           |                    | PWENBM2110     | Berkeley Way Observer                               | 418          | Y                 | 512-54-623-677-0000-000-444-various-               |                 |                       | X                    | To continue and complete the project                                                                              |
|        | <b>512 Total</b> |                                        |                                   | <b>281,417</b>    | <b>-</b>           |                |                                                     |              |                   |                                                    |                 |                       |                      |                                                                                                                   |
| 381    | 601              | Zero Waste                             | City Manager's Office             | 23,500            |                    |                | Encampment dumpster costs                           |              |                   | 601-21-202-000-0000-000-474-621130                 |                 |                       | X                    | ZW fees for a dumpster placed at 2nd/Page St encampments                                                          |
|        | <b>601 Total</b> |                                        |                                   | <b>23,500</b>     | <b>-</b>           |                |                                                     |              |                   |                                                    |                 |                       |                      |                                                                                                                   |
| 382    | 606              | Coastal Conservancy Grant Fund         | Parks, Recreation, and Waterfront |                   | 936,000            | PRWWF20011     | South Cove West Parking Lot                         |              |                   | 606-52-545-000-0000-000-461-720003-                |                 |                       | X                    | Adjustment to add State Coastal Conservancy grant funds for the South Cove West Parking Lot project.              |
| 383    | 606              | Coastal Conservancy Grant Fund         | Parks, Recreation, and Waterfront |                   | 2,113,000          | PRWWF23004     | Cesar Chavez Park Pathway                           |              |                   | 606-52-545-000-0000-000-461-720003-                |                 |                       | X                    | Adjustment to add State Coastal Conservancy grant funds for the Cesar Chavez Park Pathway project.                |

| Item # | Fund #           | Fund Name                      | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name                 | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                            |
|--------|------------------|--------------------------------|-----------------------------------|-------------------|--------------------|----------------|------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------------------------------|
| 384    | 606              | Coastal Conservancy Grant Fund | Parks, Recreation, and Waterfront |                   | 2,960,900          | PRWWF24002     | Berkeley Pier with Ferry Access Project  |              |                   | 606-52-545-000-0000-000-461-720003- |                 |                       | X                    | Adjustment to add State Coastal Conservancy grant funds for the Berkeley Pier with Ferry Access Project           |
|        | <b>606 Total</b> |                                |                                   | <b>-</b>          | <b>6,009,900</b>   |                |                                          |              |                   |                                     |                 |                       |                      |                                                                                                                   |
| 385    | 607              | Dept of Boating and Waterway   | Parks, Recreation, and Waterfront | 250               |                    | PRWWF21006     | SAVE Grant (20)                          | 903          | Y                 | 607-52-544-592-0000-000-472-612990- |                 |                       | X                    | Carryover funds for SAVE 2020 grant.                                                                              |
| 386    | 607              | Dept of Boating and Waterway   | Parks, Recreation, and Waterfront |                   | 60,000             | PRWWF23003     | SAVE 2022                                |              |                   | 607-52-545-000-0000-000-479-720003- |                 |                       | X                    | Adjustment to add SAVE 2022 grant funds.                                                                          |
|        | <b>607 Total</b> |                                |                                   | <b>250</b>        | <b>60,000</b>      |                |                                          |              |                   |                                     |                 |                       |                      |                                                                                                                   |
| 387    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 1,877             |                    | PRWT119006     | University Ave, Marina, Spinnaker St     | 39           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Marina Streets project.                                                                             |
| 388    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 1,075             |                    | PRWT119007     | Berkeley Pier with Ferry Access Project. | 27           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover to complete concept planning for Berkeley Pier with Ferry Access Project.                               |
| 389    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 99,454            |                    | PRWT122012     | Piling Replacement                       | 542          | Y                 | 608-52-545-000-0000-000-479-720003- |                 |                       | X                    | Carryover for the Marina Piling Replacement Project                                                               |
| 390    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 388,609           |                    | PRWT122013     | D & E Dock Replacement                   | 1013         | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for D&E Dock Replacement project.                                                                       |
| 391    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 45,228            |                    | PRWWF19002     | Sea Level Rise Study                     | 29           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Sea Level Rise project.                                                                             |
| 392    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 3,753             | 53,735             | PRWWF19004     | HS Lordship Renovation                   | 288/42       | Y                 | 608-52-545-000-0000-000-472-various |                 |                       | X                    | Appropriate funds for FY 2024 for the operational costs for the former HS Lordships building at 199 Seawall Drive |
| 393    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 5,658             |                    | PRWWF19005     | Small Dock Replacement                   | 40           | Y                 | 608-52-545-000-0000-000-473-663110- |                 |                       | X                    | Carryover for Small Dock Replacement project.                                                                     |
| 394    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 164,310           |                    | PRWWF20005     | O & K Dock Electrical                    | 38           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for O&K Dock Electrical project.                                                                        |
| 395    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 4,132             |                    | PRWWF20012     | Waterfront Bike Lockers                  | 41           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Waterfront Bike Lockers project.                                                                    |
| 396    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 4,200             |                    | PRWWF21006     | SAVE Grant (20)                          | 30           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for SAVE 2020 project.                                                                                  |
| 397    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 8,251             |                    | PRWWF21007     | Waterfront Key Fob System                | 31           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Waterfront Key Fob System project.                                                                  |
| 398    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 1,145             |                    | PRWWF21008     | Waterfront Cameras Phase 2               | 32           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Waterfront Cameras project.                                                                         |
| 399    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 5,459             |                    | PRWWF22001     | Finger Docks / Other Dock Improvements   | 33           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Finger Docks replacement project.                                                                   |
| 400    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 4,200             |                    | PRWWF22005     | SAVE Grant (21)                          | 34           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for SAVE 2021 project.                                                                                  |
| 401    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 70,198            |                    | PRWWF22008     | Finger Dock Phase 4                      | 35           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Finger Dock Phase 4 project.                                                                        |
| 402    | 608              | Marina Fund                    | Parks, Recreation, and Waterfront | 8,900             |                    | PRWWF22009     | Hana Japan Fire Suppression              | 36           | Y                 | 608-52-545-000-0000-000-479-720003  |                 |                       | X                    | Carryover for Hana Japan Fire Suppression project.                                                                |

| Item # | Fund #           | Fund Name                 | Department                        | Carryover Request | Adjustment Request | Project Number | Description/Project name            | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                 | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                    |
|--------|------------------|---------------------------|-----------------------------------|-------------------|--------------------|----------------|-------------------------------------|--------------|-------------------|--------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------|
| 403    | 608              | Marina Fund               | Parks, Recreation, and Waterfront | 64,505            |                    | PRWWF23001     | FY23 Marina Fund Minor Maintenance  | 1074         | Y                 | 608-52-545-000-0000-000-473-624110-                                            |                 |                       | X                    | Carryover Marina Fund Minor Maintenance funds from FY23 to FY24                           |
| 404    | 608              | Marina Fund               | Parks, Recreation, and Waterfront |                   | 6,000              | PRWWF23003     | SAVE 2022                           |              |                   | 608-52-545-000-0000-000-479-720003                                             |                 |                       | X                    | Adjustment to add SAVE 2022 COB match funds.                                              |
| 405    | 608              | Marina Fund               | Parks, Recreation, and Waterfront | 593               |                    | PRWWF23005     | 199 Seawall Structural Assessment   | 37           | Y                 | 608-52-545-000-0000-000-479-720003                                             |                 |                       | X                    | Carryover for 199 Seawall Structural Assessment.                                          |
| 406    | 608              | Marina Fund               | Parks, Recreation, and Waterfront | 865               |                    |                | Marina Memorial Benches             | 634          | Y                 | 608-52-544-591-1021-000-472-642990-                                            |                 |                       | X                    | Carryover fund for memorial benches at the Marina.                                        |
| 407    | 608              | Marina Fund               | Parks, Recreation, and Waterfront |                   | 86,000             |                | Utilities cost                      | 295          | Y                 | 608-52-544-592-0000-000-474-621110-                                            |                 |                       | X                    | Adjustment to increase the budget for PGE costs.                                          |
|        | <b>608 Total</b> |                           |                                   | <b>882,412</b>    | <b>145,735</b>     |                |                                     |              |                   |                                                                                |                 |                       |                      |                                                                                           |
| 408    | 611              | Sanitary Sewer Operations | Public Works                      | 50,969            |                    | PWENPL2301     | Standard Specifications and Details | 373          | Y                 | 611-54-623-673-0000-000-471-511110/ 472-612310/ 474-670210-                    |                 |                       | X                    | Update the City's standard specifications and details boilerplate                         |
| 409    | 611              | Sanitary Sewer Operations | Public Works                      | 346,040           |                    | PWENSR1908     | Sanitary Sewer Master Plan          | 147          | Y                 | 611-54-623-676-0000-000-472-612310/473-642990/474-635110/474-637110/474-670210 |                 |                       | X                    | To continue the project                                                                   |
| 410    | 611              | Sanitary Sewer Operations | Public Works                      | 59,126            |                    | PWENSR2101     | SS Rehab - Parker St MLK Jr Et Al   | 145          | Y                 | 611-54-623-676-0000-000-472-612310/473-665130                                  |                 |                       | X                    | To continue the project                                                                   |
| 411    | 611              | Sanitary Sewer Operations | Public Works                      | 118,806           |                    | PWENSR2201     | SS Rehab - Shattuck (Vine-Parker)   | 16           | Y                 | 611-54-623-676-0000-000-472-612310/ 612990/ 642990/ 635110/ 637110/ 670210     |                 |                       | X                    | To complete the project currently in the construction phase                               |
| 412    | 611              | Sanitary Sewer Operations | Public Works                      | 369,600           |                    | PWENSR2301     | Sanitary Sewer Rehab Parnassus      | 144          | Y                 | 611-54-623-676-0000-000-473-665130/474-635110                                  |                 |                       | X                    | Carryover funding for the continuation of the Sewer Rehab Parnassus project               |
| 413    | 611              | Sanitary Sewer Operations | Public Works                      | 368,086           |                    | PWENSR2302     | SANITARY SEWER REHAB HEARST ET AL   | 143          | Y                 | 611-54-623-676-0000-000-473-665130-                                            |                 |                       | X                    | To continue the project                                                                   |
| 414    | 611              | Sanitary Sewer Operations | Public Works                      | 146,406           |                    | PWENSR2303     | FY 2023 URGENT SEWER                | 142          | Y                 | 611-54-623-676-0000-000-472-612310/612990/473-665130/474-635110/637110/637990  |                 |                       | X                    | To continue the project                                                                   |
| 415    | 611              | Sanitary Sewer Operations | Public Works                      | 101,518           |                    | PWENSR2401     | THE ALAMEDA KEELER EUCLID ET AL     | 140          | Y                 | 611-54-623-676-0000-000-472-612310/612990/474-635110/637110/637990             |                 |                       | X                    | To continue the project                                                                   |
| 416    | 611              | Sanitary Sewer Operations | Public Works                      | 97,852            |                    | PWENSR2402     | Sewer Rehab Virginia, Parker, Et al | 139          | Y                 | 611-54-623-676-0000-000-472 and 474-various                                    |                 |                       | X                    | Carryover funding for the continuation of the Sewer Rehab Virginia, Parker, Et Al project |
|        | <b>611 Total</b> |                           |                                   | <b>1,658,403</b>  | <b>-</b>           |                |                                     |              |                   |                                                                                |                 |                       |                      |                                                                                           |
| 417    | 616              | Clean Storm Water         | Public Works                      | 22,244            |                    | PWENPL2301     | Standard Specifications and Details | 373          | Y                 | 616-54-623-673-0000-000-431-612310-                                            |                 |                       | X                    | Update the City's standard specifications and details boilerplate                         |
| 418    | 616              | Clean Storm Water         | Public Works                      | 289,573           |                    | PWENRW2301     | Retaining Wall & Storm Drain Repair | 189          | Y                 | 616-54-623-675-0000-000-431-various-                                           |                 |                       | X                    | Carryover for the Retaining Wall & Storm Drain Repair project                             |
| 419    | 616              | Clean Storm Water         | Public Works                      | 192,479           |                    | PWENSD2201     | Stormwater Master Plan              | 1554         | Y                 | 616-54-623-675-0000-000-471-511110/ 520560/ -474-637110/ 635110                |                 |                       | X                    | Carryover for On-going program planning                                                   |
| 420    | 616              | Clean Storm Water         | Public Works                      | 500,000           |                    | PWENSD2201     | Stormwater Master Plan              | 1754         | Y                 | 616-54-623-675-0000-000-472-612310-                                            |                 |                       | X                    | On-going planning \$1M allocated for FY23, split to FY23 & FY24 \$500K each               |



| Item # | Fund #           | Fund Name                 | Department             | Carryover Request | Adjustment Request | Project Number | Description/Project name                                                      | Budget Mod # | Updated? (Y or N) | To Budget Code                                                                                                    | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                                         |
|--------|------------------|---------------------------|------------------------|-------------------|--------------------|----------------|-------------------------------------------------------------------------------|--------------|-------------------|-------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 421    | 616              | Clean Storm Water         | Public Works           | 111,498           |                    | PWENSD2302     | Green Infrastructure Projects                                                 | 379          | Y                 | 616-54-623-675-0000-000-431-various-                                                                              |                 |                       | X                    | Carryover funding to continue the Green Infrastructure project                                                                                                                                                                                                                                                                 |
| 422    | 616              | Clean Storm Water         | Public Works           | 481,036           |                    | PWENSD2308     | Trash Capture Devices                                                         | 1602         | Y                 | 616-54-623-675-0000-000-471-511110/ 665120                                                                        |                 |                       | X                    | On-going program                                                                                                                                                                                                                                                                                                               |
| 423    | 616              | Clean Storm Water         | Public Works           | 126,673           |                    | PWENSD2309     | Clean Water Program                                                           | 592          | Y                 | 616-54-623-675-0000-000-431-various-                                                                              |                 |                       | X                    | Carryover for the Clean Water Program project                                                                                                                                                                                                                                                                                  |
| 424    | 616              | Clean Storm Water         | Public Works           | 109,417           |                    | PWENSD2401     | Storm Drain Improvements FY 2024                                              | 613          | Y                 | 616-54-623-675-0000-000-431-various-                                                                              |                 |                       | X                    | Carryover for the Storm Drain Improvements FY 2024 project                                                                                                                                                                                                                                                                     |
| 425    | 616              | Clean Storm Water         | Public Works           | 21,500            |                    | PWENSR2005     | SS Rehab - Urgent SS Repair FY20                                              | 146          | Y                 | 616-54-623-675-0000-000-473-665120                                                                                |                 |                       | X                    | To continue the project                                                                                                                                                                                                                                                                                                        |
| 426    | 616              | Clean Storm Water         | Public Works           | 806,200           |                    | PWENST2302     | Wildcat Canyon Road Repairs                                                   | 1734         | Y                 | 616-54-623-675-0000-000-431-various                                                                               |                 |                       | X                    | Carryover project funding to continue work on the Wildcat Canyon Road Repairs project                                                                                                                                                                                                                                          |
|        | <b>616 Total</b> |                           |                        | <b>2,660,620</b>  | -                  |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 427    | 621              | Permit Service Center     | Planning               |                   | 33,241             |                | Center Street Garage Parking                                                  | 473          | Y                 | 621-53-585-634-0000-000-474-670200-                                                                               |                 |                       | X                    | Add additional funds to cover Building & Safety Division FY 2024 parking charges for the Center Street Garage                                                                                                                                                                                                                  |
| 428    | 621              | Permit Service Center     | Public Works           |                   | 99,694             |                | New Personnel                                                                 |              |                   | 621-54-623-677-0000-000-471-511110-<br>621-54-622-663-0000-000-471-511110-<br>621-54-622-668-0000-000-471-511110- |                 |                       | X                    | Senior Engineering Inspector (new)<br>Note: Amount is the 6-month prorated cost of fully loaded cost                                                                                                                                                                                                                           |
|        | <b>621 Total</b> |                           |                        | -                 | <b>132,935</b>     |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 429    | 622              | Unified Program (CUPA)    | Planning               | 31,073            |                    |                | Envision Connect Project                                                      | 294          | Y                 | 616-54-623-675-0000-000-431-various+N156                                                                          |                 |                       | X                    | Carryover funding for Envision Connect t Software Replacement project.                                                                                                                                                                                                                                                         |
|        | <b>622 Total</b> |                           |                        | <b>31,073</b>     | -                  |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 430    | 631              | Parking Meter             | Public Works           | 69,835            |                    | PWENCB1907     | 125-127 Univ Ave Parking Lot                                                  | 432          | Y                 | 631-54-623-677-0000-000-471-various                                                                               |                 |                       | X                    | Carryover funding to complete project                                                                                                                                                                                                                                                                                          |
|        | <b>631 Total</b> |                           |                        | <b>69,835</b>     | -                  |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 431    | 673              | Building Maintenance Fund | Public Works           |                   | 300,000            |                | Non-Personnel Projected Deficit Bldg. Mtc. Ops                                |              |                   |                                                                                                                   |                 |                       | X                    | For upcoming FY24 Expenses related to roofing repairs and HVAC Repairs. HVAC was scheduled for AAO2 but will need it sooner.                                                                                                                                                                                                   |
|        | <b>673 Total</b> |                           |                        | -                 | <b>300,000</b>     |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 432    | 676              | Workers Compensation      | Human Resources        | <b>342,425</b>    |                    |                | INNOVATE CLAIM SOLUTIONS                                                      |              |                   | 676-99-900-900-0000-000-472-612240-                                                                               |                 |                       | X                    | INNOVATE CLAIM SOLUTIONS (WORKERS COMPENSATION)                                                                                                                                                                                                                                                                                |
|        | <b>676 Total</b> |                           |                        | <b>342,425</b>    | -                  |                |                                                                               |              |                   |                                                                                                                   |                 |                       |                      |                                                                                                                                                                                                                                                                                                                                |
| 433    | 680              | IT Cost Allocation        | Information Technology | 194,418           |                    |                | Professional Services Protiviti Government Services/Robert Half International |              |                   | 680-35-361-000-0000-000-472-612990-                                                                               |                 |                       | X                    | Protiviti - professional consultants with technical expertise and skillset to assist with operation support to complete pending critical projects; Recent vacancy for project manager (SSA) may require additional services from Protiviti                                                                                     |
| 434    | 680              | IT Cost Allocation        | Information Technology | 81,824            |                    |                | Professional Services Protiviti Government Services/Robert Half International |              |                   | 680-35-362-376-0000-000-472-612990-                                                                               |                 |                       | X                    | Protiviti - professional consultants with technical expertise and skillset to assist with operation support to complete pending critical projects; Recent vacancy for project manager (SSA) may require additional services from Protiviti. Note full amount wasn't expended due to work stoppage for one of the temp workers. |
| 435    | 680              | IT Cost Allocation        | Information Technology | 449,834           |                    |                | Customer Relationship Management System - Professional Services               |              |                   | 680-35-364-000-0000-000-472-613130-                                                                               |                 |                       | X                    | Customer Relationship Management System (CRM) to replacement legacy CRM system to support 311 and citywide customer service. Current CRM system is out of date and unsupported by the vendor and not well integrated with other City business systems, including billing, work order and payment systems.                      |

| Item # | Fund #             | Fund Name                                      | Department             | Carryover Request | Adjustment Request | Project Number | Description/Project name                                        | Budget Mod # | Updated? (Y or N) | To Budget Code                      | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                                                                                                                    |
|--------|--------------------|------------------------------------------------|------------------------|-------------------|--------------------|----------------|-----------------------------------------------------------------|--------------|-------------------|-------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 436    | 680                | IT Cost Allocation                             | Information Technology | 153,192           |                    |                | Customer Relationship Management System - Professional Services |              |                   | 680-35-364-000-0000-000-472-612990- |                 |                       | X                    | Customer Relationship Management System (CRM) to replacement legacy CRM system to support 311 and citywide customer service. Current CRM system is out of date and unsupported by the vendor and not well integrated with other City business systems, including billing, work order and payment systems. |
| 437    | 680                | IT Cost Allocation                             | Information Technology | 188,369           |                    |                | FY23 PC Replacement                                             |              |                   | 680-35-363-384-6004-000-473-651110- |                 |                       | X                    | Division on track to complete FY23 PC replacement.                                                                                                                                                                                                                                                        |
| 438    | 680                | IT Cost Allocation                             | Information Technology | 78,921            |                    |                | Presidio invoices                                               |              |                   | 680-35-363-384-6007-000-473-651110- |                 |                       | X                    | Pending FY23 Presidio invoices which were not paid yet due to validation of charges; Payment will be processed after corrected invoice received.                                                                                                                                                          |
| 439    | 680                | IT Cost Allocation                             | Information Technology | 363,471           |                    |                | Carryover acct balance - Multiple FY24 Renewals                 |              |                   | 680-35-363-384-6005-000-472-613130- |                 |                       | X                    | Pending multi-year renewals for ESRI and MC Dean For batteries to support servers                                                                                                                                                                                                                         |
| 440    | 680                | IT Cost Allocation                             | Information Technology | 481,400           |                    |                | Nutanix - Servers                                               |              |                   | 680-35-363-384-6006-000-472-613130- |                 |                       | X                    | Pending multi-year renewal for servers from Nutanix.                                                                                                                                                                                                                                                      |
| 441    | 680                | IT Cost Allocation                             | Information Technology | 889,369           |                    |                | MS Teams/SharePoint & WiFi Projects                             |              |                   | 680-35-362-376-0000-000-473-664140- |                 |                       | X                    | MS Teams/SharePoint & Wi-Fi projects                                                                                                                                                                                                                                                                      |
|        | <b>680 Total</b>   |                                                |                        | <b>2,880,799</b>  | <b>-</b>           |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 442    | 781                | Berkeley Tourism Business Improvement District | City Manager's Office  |                   | 196,097            |                | Visit Berkeley Tourism BID Contract                             | 351          | Y                 | 781-21-208-251-0000-000-446-636110- |                 |                       | X                    | Appropriate projected FY 2023 Fund Balance and additional revenues received in FY 2023 for Visit Berkeley Tourism BID contract                                                                                                                                                                            |
|        | <b>781 Total</b>   |                                                |                        | <b>-</b>          | <b>196,097</b>     |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 443    | 782                | Elmwood BID                                    | City Manager's Office  |                   | 28,668             |                | Elmwood BID                                                     |              |                   | 782-21-208-251-0000-000-446-636110- |                 |                       | X                    | This funding belongs to the Elmwood BID and the City is obligated to disperse it.                                                                                                                                                                                                                         |
|        | <b>782 Total</b>   |                                                |                        | <b>-</b>          | <b>28,668</b>      |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 444    | 783                | Solano Avenue BID                              | City Manager's Office  |                   | 13,852             |                | Solano Avenue BID                                               |              |                   | 783-21-208-251-0000-000-446-636110- |                 |                       | X                    | This funding belongs to the Solano BID and the City is obligated to disperse it.                                                                                                                                                                                                                          |
|        | <b>783 Total</b>   |                                                |                        | <b>-</b>          | <b>13,852</b>      |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 445    | 784                | Telegraph PBID                                 | City Manager's Office  |                   | 170,557            |                | Telegraph PBID                                                  |              |                   | 784-21-208-251-0000-000-446-612990- |                 |                       | X                    | This funding belongs to the Telegraph PBID and the City is obligated to disperse it.                                                                                                                                                                                                                      |
|        | <b>784 Total</b>   |                                                |                        | <b>-</b>          | <b>170,557</b>     |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 446    | 785                | No. Shattuck BID                               | City Manager's Office  |                   | 97,460             |                | No. Shattuck BID                                                |              |                   | 785-21-208-251-0000-000-446-636110- |                 |                       | X                    | This funding belongs to the North Shattuck BID and the City is obligated to disperse it.                                                                                                                                                                                                                  |
|        | <b>785 Total</b>   |                                                |                        | <b>-</b>          | <b>97,460</b>      |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
| 447    | 786                | Dwnt Berk Prop & Imp                           | City Manager's Office  |                   | 19,852             |                | Dwnt Berk Prop & Imp                                            |              |                   | 786-21-208-251-0000-000-446-636110- |                 |                       | X                    | This funding belongs to the Downtown PBID and the City is obligated to disperse it.                                                                                                                                                                                                                       |
|        | <b>786 Total</b>   |                                                |                        | <b>-</b>          | <b>19,852</b>      |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |
|        | <b>Grand Total</b> |                                                |                        | <b>86,277,549</b> | <b>61,327,565</b>  |                |                                                                 |              |                   |                                     |                 |                       |                      |                                                                                                                                                                                                                                                                                                           |



Office of the City Manager

ACTION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Anne Cardwell, Deputy City Manager  
 Subject: Consideration of Options for Berkeley High School Staff Parking

RECOMMENDATION

Receive information on several options for providing additional parking for Berkeley High School staff. Provide feedback to staff, which will then be shared with 2x2 Committee with the goal of identifying a mutually agreeable solution for both the school district and the City.

FISCAL IMPACTS OF RECOMMENDATION

Potential fiscal impacts will vary by option, as described in the following sections.

CURRENT SITUATION AND ITS EFFECTS

Representatives of Berkeley High School state that Berkeley High School teachers use breaks in their schedule to move their vehicles around within the time-limited parking spaces near the school, for the purpose of avoiding parking tickets. For these reasons, the District has requested that the City issue Preferential Parking Program permits for use by Berkeley High School teachers in both the zone where the school is located, and the zones immediately adjacent to the school.

According to the District, the recipients of permits issued to Berkeley High School are already parking on the streets in the vicinity of the school, and therefore the issuance of these permits would have a negligible impact upon parking conditions in the area.

BACKGROUND

The Preferential Parking Program (Chapter 14.72) creates various categories of parking permits that may be issued by the Department of Finance and establishes various criteria for issuance of those permits. In addition to residential parking permits (14.72.090) and local business permits (14.72.100), parking permits may be issued to Neighborhood-serving Community Facilities, such as “churches, schools, senior centers and alcohol and drug rehabilitation facilities.” (14.72.110.B.). The criteria for issuance of permits to Neighborhood-serving Community Facilities is enumerated at Section 14.72.105.B. as follows:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
2. An enterprise for which there is no off-street parking available nearby for lease or rental;
3. The total number of permits issued does not exceed the number representing 60% of the enterprise's employees;
4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within 1/2 mile of a Bay Area Rapid Transit (BART) Station, and not within 1/4 mile from a rapid transit bus stop, and not within 1/4 mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;
5. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and
6. Degree of impact on parking conditions for residents and merchants in the area.

Berkeley Unified School District asserts that it meets the criteria for issuance of permits. Berkeley High School currently lacks adequate off-street parking on its campus.

The City operates a parking garage nearby, and while the district has expressed a willingness to analyze options for funding of spaces, they have also noted that the current cost quoted for the needed number of spaces (approximately \$150,000 per year) is likely not fiscally feasible.

### **1. Quantity of Permits**

Whereas businesses and residents have a limit of between one (1) and three (3) permits per address, the only limit for schools is set forth in 14.72.105.B.3.: the total number of permits issued for a Neighborhood-Serving Community Facility cannot exceed 60% of Berkeley High School Preferential Parking Permits Page 3 the enterprise's employees, unless the facility is a BUSD school that is located more than 1/2 mile from BART or more than 1/4 mile from a bus rapid transit stop. Berkeley High School is located well within 1/2 mile of the Downtown Berkeley BART station, so the operative limit is 60% of the school's employees.

Without any amendments to the ordinance, the City can issue a number of permits equal to 60% of the employees of Berkeley High School. At the November 2x2 Committee meeting, Berkeley Unified School District Facilities Manager John Calise indicated that there are approximately 400 employees at the school, which would result in 240 permits utilizing the 60% figure.

## 2. Location of permits

There is no area restriction applicable to Neighborhood-Serving Community Facility permits. In drafting and passing the Preferential Parking Program, Council chose to impose geographical limitations for certain kinds of permits but not for others. Residential permits can only be issued for a vehicle that is registered with the DMV to an address within the zone. (14.72.090.B.3.) Local business permits can only be issued "for a motor vehicle regularly used in the business activity of such commercial establishment for parking such motor vehicle in such designated local business parking subarea." (14.72.100.B.) However, for Neighborhood-Serving Community Facility permits, the only geographical limitation is a broad consideration of the "Degree of impact on parking conditions for residents and merchants in the area." (14.72.105.B.6.)

It is reasonable to assume that the lack of criteria for the location of NSCF permits is intentional, but City staff is seeking Council feedback as to whether or not to issue a substantial number of permits in this area (and potentially others). There may be many facilities located on a boundary of a designated parking area and so they intent may have been to spread the permits around to multiple areas. Moreover, the Department "shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area." (14.72.080.B.) Where a facility such as Berkeley High School is located on the border of a residential permit parking area, this undue concentration requirement can more readily be met by dividing the permits between adjacent permit areas.

For additional context, a staff report from October 17, 2017 entitled *Referral Response: Additional Neighborhood Serving Community Facility Parking Permits for Berkley Unified School District Facilities* is attached.

### **Options for Council Consideration**

The following five options for addressing the request for additional parking for Berkeley High School staff are being presented for Council to review, discuss and provide feedback to staff. This feedback will be shared with 2x2 Committee, with the end goal of identifying a mutually agreeable solution for both the school district and the City.

As part of this exercise of developing options, opportunities for increasing access to parking for City employees are also noted, as City employees are experiencing challenges with finding parking similar to Berkeley High School staff.

- **Option 1: Provide an increased number of permits to Berkeley High School staff and City staff**

As previously noted, under the current ordinance, the City can grant up to 60% of the employees of Berkeley High School. One option would be to amend the ordinance to

allow for more permits to be provided to High School staff. It would be beneficial for the City if a similar approach could be applied to City of Berkeley staff (City staff are currently ineligible for permits under the Preferential Parking Program), perhaps under a new, similar program. As previously noted, City staff are also having significant difficulty finding sufficient, inexpensive parking around the Civic Center area.

If the desire is to pursue this option, it should also be clarified whether the increase in permits will be within the existing parking permit area, or will be spread across neighboring parking permit areas.

- **Option 2: Amend parking hours around Berkeley High School/Civic Center**

Another option would be to amend the parking hours in the parking permit area around the High School/Civic Center from two (2) to four (4) hours. While this option would likely result in staff still needing to move their cars at least once during the work day, it would reduce the total number of times they would need to do so.

A related, alternate option would be to remove parking time limits entirely, which would allow staff that are able to find a spot to remain in that spot all day. However, that option would require further study, as the purpose of parking time limitations is to encourage the circulation of vehicles (thus increasing the available spaces at any given time) and eliminating restrictions could reduce the use of the Center Street garage, which was funded via interest bearing bonds with specific performance obligations.

- **Option 3: Permits based on criteria, coupled with changes to parking hours**

A hybrid of the above two options would be to provide permits to only those High School and City staff who aren't able to move their cars throughout the day due to the need to remain in the classroom or at their assigned working space. For example, teachers in classrooms and City positions that are public facing, and so may not be able to readily leave their desks during the day. Additionally, the City could issue these permits in several adjacent zones, to deconcentrate impacts and spread vehicles farther than under current conditions.

For those employees not eligible for permits under the hybrid option criteria, there could also be consideration of making an increase of parking times to four (4) hours on every-other block throughout adjacent zones within two (2) to twelve (12) blocks from the High School and Civic Center. To illustrate, starting one block away from the core area, one side of the street would be two (2) hours and the other is four (4). This would help avoid the majority of vehicles being right next to the High School and Civic Center and distribute parking a bit further out. (Note that in this scenario, blocks immediately next to the Civic Center would remain two (2) hours on both sides in order to serve shorter term visitors.)

- **Option 4: “Swap” use of garage by Berkeley High staff for City Council use of the School Board Chambers (or other swap options)**

Currently the City Council has an agreement with the Berkeley School District to use the School Board Chambers for Berkeley City Council meetings. One suggested option is to explore amending that agreement to “swap” a number of spaces in the Center Street parking garage for use of the chambers. Additionally, there may be other options for a swap that could be explored.

- **Option 5: Discount Parking at Center Street garage**

Another option for consideration would be to continue exploring whether the High School could lease a certain number of spaces at the Center Street garage at a discount. As noted previously, the district has expressed a willingness to look at options for funding of spaces for BHS staff, but has also expressed that the current cost quoted of approximately \$150,000 per year would be too costly. Further, the City is limited in terms of the amount of discount that can be provided, given that the parking revenues have been pledged to bondholders and the City is not currently meeting its revenue ratio covenant. If the District is able to make funds available for this type of expense, the City and District could explore further how many spaces at what cost they could be made available.

#### 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

These options are being provided for the Council in response to the school district’s request for additional parking spaces for their staff and subsequent discussions by 2x2 Committee members (see attached 2x2 Committee minutes). Additionally, several of the options provide an opportunity to provide increased parking for City staff, which is also a significant need expressed by various labor groups and also aligned with the City’s Employer of Choice Initiative.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered a number of options, all of which are presented in this report.

CONTACT PERSON

Anne Cardwell, Deputy City Manager, City Manager's Office, (510) 981-7014

Attachments:

1. October 17, 2017 Staff Report
2. 2x2 Committee Minutes – February - June, 2023





Office of the City Manager

CONSENT CALENDAR

October 17, 2017

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip L. Harrington, Director, Department of Public Works

Subject: Referral Response: Additional Neighborhood Serving Community Facility Parking Permits for Berkley Unified School District Facilities

RECOMMENDATION

To implement the policy change requested by a February 28, 2017 Council referral, adopt first reading of an Ordinance amending Berkeley Municipal Code section 14.72.105 to increase residential preferential parking permits for Berkley Unified School District schools from a maximum of 60% to a maximum of 70% of total Berkley Unified School District staff (including teachers), for schools more than one half mile from a BART Station, more than one quarter mile from a Rapid Transit Stop, and more than one quarter mile from two major transit lines.

FISCAL IMPACTS OF RECOMMENDATION

Based on current Berkley Unified School District (BUSD) staffing levels, City staff expect to generate \$621 annually for the General Fund from the sale of nine additional residential preferential parking (RPP) permits.

CURRENT SITUATION AND ITS EFFECTS

At the January 19, 2017 2X2 Committee meeting, two Council members and BUSD Staff proposed increasing the limit on Neighborhood Serving Community Facility (NSCF) permits from 60% to 70% for schools outside areas well served by transit. This report responds to referral #2017-35 that originally appeared on the agenda of the February 28, 2017 meeting, sponsored by Councilmember Maio and Mayor Arreguin, where City Council approved a referral to the City Manager formalizing that requested increase. Individual schools have requested additional permits because they have staff that drive who don't have NSCF permits, and who are subject to limited transit service or a lack of access to reasonable parking choices. Those employees often park in Residential Preferential Parking (RPP) areas with two-hour visitor time limits, and subsequently move their cars every two hours. This proposed ordinance would codify an increase in the number of available permits in the Berkeley Municipal Code (BMC), and will allow staff to implement the requested change.

**BACKGROUND**

Every September, NSCFs apply for permits for RPP permits for staff subject to the following guidelines:

- Per BMC 14.72.105, the number of permits may be no more than 60% of the number of employees at each facility.
- Only K-12 Schools are eligible for NSCF Permits.
- Part time staff (under 30 hours/week) count as one half of an employee for purposes of determining 60%.
- Off-Street Parking available to NSCF staff is subtracted from 60%.
- The BMC also takes into account the parking impact on residents. This has caused a cap on the number of permits allocated in area E, as the blocks bounded by Cedar, MLK, University and Shattuck are particularly impacted.
- The City does not issue permits to NSCFs in area I due to severely limited RPP parking availability in that area.
- Permits are allocated to staff by the facility administration using whatever criteria they choose.

The primary purpose of RPP is to ensure adequate on-street parking availability for residents of a neighborhood when parking demand from employees and visitors of nearby businesses may otherwise exceed the supply of on-street parking spaces. When parking supply is particularly low or demand is particularly high, issuing too many NSCF permits in the area may impact the ability of residents and other permit holders to find available parking spaces.

Although the RPP program is intended to discourage use of single occupant vehicles by visitors and employees of nearby businesses, staff acknowledges that for some BUSD employees it is difficult to commute to work by means other than personal vehicles for reasons including limited access to transit services in their commute area. Thus City policy allows issuance of NSCF permits to minimize some of the impacts to BUSD employees.

**ENVIRONMENTAL SUSTAINABILITY**

Using current BUSD staffing levels, this change would result in the issuance of approximately nine more permits. Because this increase would apply only at those schools where commuting by public transit is a less feasible option, there could be a very small decrease in greenhouse gas emissions associated with fewer BUSD staff who would move their cars every two hours.

**RATIONALE FOR RECOMMENDATION**

BUSD has expressed a need for more permits for staff who cannot easily commute by public transit. The proposed changes would have minimal impacts to residential parking.

**ALTERNATIVE ACTIONS CONSIDERED**

None

Referral Response: Additional Neighborhood Serving Community Facility  
Parking Permits for Berkley Unified School District Facilities

CONSENT CALENDAR  
October 17, 2017

CONTACT PERSON

Matthew Cotterill, Traffic Engineering Assistant, Public Works, 510-981-6433

Attachments:

- 1: Ordinance
- 2: Map of Transit Rich area and BUSD Schools
3. Original Referral Report from February 28, 2017

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

AMENDING THE RESIDENTIAL PREFERENTIAL PARKING ORDINANCE, BERKELEY MUNICIPAL CODE SECTION 14.72.105, TO INCREASE ALLOWABLE PERMITS TO 70% FOR BERKELEY UNIFIED SCHOOL DISTRICT FACILITIES OUTSIDE THE TRANSIT RICH ZONE

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

Section 1. That Berkeley Municipal Code 14.72.105 is amended to read as follows:

**14.72.105 Neighborhood-serving community facility permits.**

A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, and senior centers. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
2. An enterprise for which there is no off-street parking available nearby for lease or rental;
3. The total number of permits issued ~~under no circumstances does not exceed~~s the number representing 60% of the enterprise's employees;

4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within ½ mile of a Bay Area Rapid Transit (BART) Station, and not within ¼ mile from a rapid transit bus

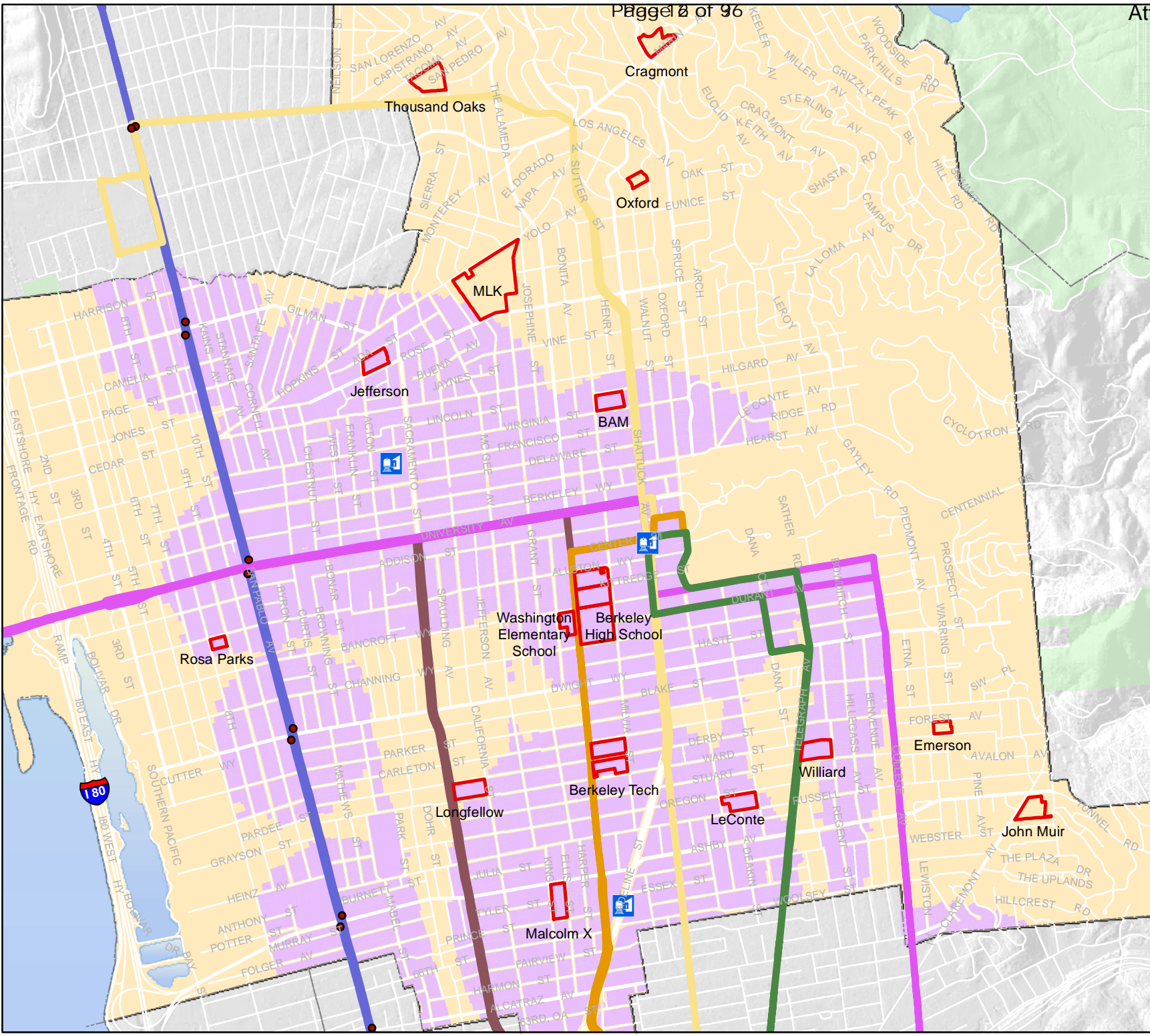
stop, and not within ¼ mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;

45. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and

56. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 6762-NS § 4 (part), 2003; Ord. 5972-NS § 1, 1990; Ord. 5803-NS § 2 (part), 1987)

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 Council Chambers, 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.

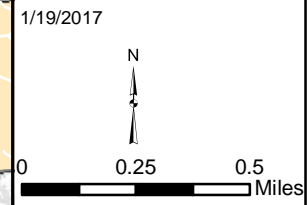
# NSCF TRANSIT PROXIMITY



- Major AC Transit Routes**
- 6
  - 12
  - 18
  - 51B
  - 72/72R
  - 88
  - 72R Stops
  - BART Stations
  - BUSD Schools
  - Transit Rich Zone

The "Transit Rich Zone" consists of parcels within 1/2 mile of a BART station or 1/4 mile from a rapid bus stop or 1/4 mile from 2 bus major bus lines. A "major" bus line is a bus line that runs at peak hours at a frequency of every 20 minutes or less.

This map is representational only. Data are not survey precise.





CITY COUNCIL  
Linda Maio

CONSENT CALENDAR  
February 28, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Mayor Jesse Arreguin and Councilmember Linda Maio

SUBJECT: Increasing the Parking Permit Guidelines for Two BUSD Schools with Limited Access to Public Transit

RECOMMENDATION:

Request the City Manager to increase the guidelines used to grant residential permit parking to BUSD schools from 60% to 70% of the number of BUSD staff (includes teachers) for schools more than 1/2 mile from a BART Station, or 1/4 mile from a Rapid Transit Stop, or 1/4 mile from two (2) major transit lines.

BACKGROUND:

This recommendation will be able to address serious parking impacts for Emerson School as described by its Principal (Susan Hodge) at a recent 2x2 Committee meeting. John Muir School would also be eligible for allocation increase from 60% to 70% under the proposed policy (see below). The recommendation was discussed at the 2x2 Committee, attended by City transportation staff and the City Manager. The 10% increase will amount to an addition of approximately five additional parking permits.

Given that there are parking issues at most of the BUSD schools, the 2x2 Committee will continue to work within the 2x2 structure, along with City staff, on ways in which we can address the parking needs of our schools while also being sensitive to neighborhood impacts. In addition, staff will be looking into allowing the acquisition of some commercial yellow zone permits for BUSD maintenance staff. It was also requested, as we pursue parking issues, that the Superintendent will share with us the District's program(s) for incentives staff to utilize public transit.

Neighborhood Serving Community Facility (NSCF) Process

- Every September, NSCFs apply for permits for staff. Per Berkeley Municipal Code, the number of permits may be no more than 60% of the number of employees.
- Part time staff (under 30 hrs./week) count as ½ of an employee for purposes of determining 60% figure.
- Off-Street Parking available to NSCF staff is subtracted from the 60% figure.
- BMC also requires that we take into account the impact on residents with respect to parking. This has caused us to effectively cap the number of

permits allocated in area E as the blocks bounded by Cedar, MLK, University and Shattuck are particularly impacted.

- We also do not issue permits to NSCFs in area I due to severely limited RPP parking availability in area I.
- Permits are allocated by the facility administration using whatever criteria they choose.

**BMC 14.72.105 Neighborhood-serving community facility permits.**

- A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.
- B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, and senior centers. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:
  1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
  2. An enterprise for which there is no off-street parking available nearby for lease or rental;
  3. The total number of permits issued under no circumstances exceeds the number representing 60% of the enterprise's employees;
  4. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and
  5. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 6762-NS § 4 (part), 2003: Ord. 5972-NS § 1, 1990: Ord. 5803-NS § 2 (part), 1987)

**Possible actions for Council to consider:**

1. Allow distribution of a limited number of visitor passes to substitute teachers (number based on previous years substitute days).
2. Increase permit allocation to 70% of staff only for BUSD locations not ½ mile from a BART Station or ¼ mile from Rapid Transit Stop or ¼ mile from 2 major transit lines.

**ENVIRONMENTAL SUSTAINABILITY:**

No environmental sustainability impact.

**FINANCIAL IMPLICATIONS:**

None.



CONTACT:

Mayor Jesse Arreguin, 510-981-7100

Councilmember Linda Maio, District 1, 510-981-7110



Attachment 2

**2x2 Committee Meeting Notes**

February 16, 2023

2:30 – 4:00 p.m.

**Quorum:** 3:00 p.m.

**Roll Call:**

All members are present (BUSD Board President Babitt, BUSD Board Director Vasudeo, City Council Member Hahn, and City Council Member Taplin)

**Approval of Meeting Notes for April 22, 2022**

There was a motion to approve meeting notes from November 4, 2022, the motion was seconded.

Vote:

Yes: 4

No: 0

*Motion passes*

**Public Comment:**

The following public comment was heard by the committee:

Cordell Hinder spoke regarding an upcoming event in Contra Costa County on March 2, 2023. He also spoke regarding the parking item and encouraged the school and city to work together to promote more sustainable transportation and good parking.

Mati Teiblum spoke regarding parking and noted that BUSD and City of Berkeley should work collaboratively to tackle the issue.

Damien spoke regarding parking and the various hurdles.

Liza Lutzker spoke regarding the need to get the data from the transportation survey and a detailed analysis of cost. She also expressed that she hopes there will be more regular meetings around student safety. She shared that on March 8<sup>th</sup>, there will be an Oxford elementary school meeting. She also spoke regarding need for workforce housing for teachers.

Douglas Legg spoke about the opportunity for the use of the existing City garage and using the bond dollars to support needs of children.

Ken talked about using bond dollars for classrooms.

Cielo Rios expressed thanks to the City and BUSD staff and noted that the parking space options should be put on pause.

Dietmar Lorenz spoke about need for workforce housing and classrooms. Expressed shock regarding the parking structure, and that it is not needed, particularly in that location.

### **2x2 Committee Meeting Calendar for 2023**

Council Member Hahn expressed that the committee is very committed to having these meetings.

She suggested the committee think about what standing topics the committee should focus on. The following topics were noted:

- Afterschool care/activities
- Food and nutrition
- Health
- Zero waste
- Recreational equity
- Pool

The committee discussed this briefly and then agreed they would work further on identifying topics at their next regular meeting.

The committee agreed to meet every other month, with the exception of holidays, winter and spring break and summer.

### **Discussion of Milvia Street Project (BHS Tennis and Parking Structure)**

The committee received a presentation from BUSD staff. This was followed by each committee member asking questions. It was agreed there would be that staff responses would occur at a subsequent special meeting on this topic.

President Babitt asked for an update on the use of the Center Street garage, and what the next steps, including expected cost.

Council Member Taplin asked about when the tennis courts became a lot. He also inquired about the status of RPP and Center Street Garage. He asked if there was any update on researching alternative options.

BUSD staff responded that the thought is the City would provide a portion of Center Street garage as easements. The District is checking on the legality of this cost with use of bond funds. It was also noted that regarding the parking permits for teachers, the City Council would need to change policy on provision of parking permits.

The City of Berkeley's Deputy Public Works Director mentioned that the new parking surveys and associated data will be important. He estimated approximately \$100,000 per space for cost. He noted that the Center Street garage would be more costly because it is public, paid parking.

Director Vasudeo inquired about the Environmental Impact Report (EIR) and the associated public process. She also asked about trip alternatives and what is the ongoing maintenance cost for the district.

Council Member Hahn asked for additional information on demographics and the need. Specifically, who would be using the parking and where are they traveling from.

She also noted she would like to better understand the constraints around the use of the bond funds, and what are the options. She encouraged exploring creative solutions.

At this point, Council Member Hahn suggested they extend the meeting to 4:10 p.m. and the committee members agreed.

President Babitt asked if the rates for Center Street garage have gone down given vacancies going up, and if the cost could be lower for Berkeley High School staff.

The Deputy Director of Public Works noted that the garage is busier in the evening than during the day, but not to the point where there is a need to drop the cost. He also noted that the cost to the district would need to be the same as cost charged to public.

Council Member Hahn talked about other options through changing policy, for example, perhaps the City could look at subsidizing cost for teachers and/or perhaps the district could offer something to the City in exchange.

The committee agreed they would like to schedule a special meeting to discuss this item further. It was noted the parking surveys should be completed in March, and so the meeting should be scheduled after that information is available.

**Adjourn:** 4:10



Office of the City Manager

## **Notes - April 28, 2023 2x2 Committee Meeting**

### **1. Call to Order: 9:18 am**

**Present:** Laura Babitt, BUSD, Board President; Ana Vasudeo, BUSD, Board Vice President; and Sophie Hahn, Councilmember

**Absent:** Terry Taplin, Councilmember

**Others Present:** Anne Cardwell, Deputy City Manager and Ramonda Clarke, Secretary to City Manager from City of Berkeley. Enikia Ford Morthel, Superintendent; John Calise, Executive Director of Facilities; and Max Eisssler, Director of Technology from Berkeley Unified School District

### **2. Approval of Meeting Agenda for April 28, 2023**

President Babitt moved to approve agenda. The motion was seconded, and passed.

### **3. Approval of Minutes for February 16, 2023**

President Babitt moved to approve minutes. The motion was seconded, and passed.

### **4. Public Comment**

Tom Lent commented that he was pleased by creative thinking being applied for the Milvia lot. Strongly support the proposal to add classrooms and move softball field to Derby. The required transportation needs can be met with a combination of RPP and robust TDM. Need top, notch comprehensive professional TDM survey to understand the potential and design.

Phyllis Orrick spoke commented that the school board considered a possible surplus on Oxbow Elementary site; no action was taken. Suggested that City and BUSD work together to create affordable housing site, in a very highly resourced neighborhood, close to transit, schools and shops.

Mati Teiblum commented that Milvia Parking Project be taken off the books until proven viable and asked how new project presented is part of a master plan for BHS.

Liza Lutzker thanked the committee for creative new solutions around the Berkeley High parking issue. Commented about draft survey to the District and that input gets used; consult with the city. Comments on RPP and cost to teachers.

Cielo Rios thanked the District and City for working together to pursue creative options that reserve bond money and physical space for our kids instead of cars. Help remedy challenges for elementary and middle school staff, who use cars as primary forms of transit due to Berkeley's unaffordable housing crisis and challenges the comprehensive public transit to school sites.

Rachey Lee expressed excitement about new solutions. Agreed with completely eliminating the parking structure project. Offered to help or serve on a committee, to move new efforts forward.

## **5. Discussion Items**

### **5.1 - Partnership to Mitigate Ongoing Vandalism Around School Sites, and Fines Imposed by Code Enforcement**

Director Calise presented. He spoke about commitment from Board and Council Members to create a partnership for ongoing issues with vandalism. He stated that BUSD's walls are tagged heavier and it requires BUSD to paint windscreens each time - typically 15 hours overtime on a Saturday and within 24 hours, 75 to 85% of the graffiti is back. He mentioned that BUSD has been issued fines by code enforcement. They are looking for additional solutions, such as windscreens with preprinted murals.

Councilmember Hahn commented that this goes in the broader context of how the City should prioritize the needs of our sister organizations and sister agencies. She mentioned that they had created a program to prioritize BUSD's Public Works requests, which would include dealing with city signs that had graffiti on it and keeping curbs and crosswalks painted -- Bright Streets. The referral to have the City establish a form to have BUSD's Public Works requests jump the line has not been implemented. At recent City Council meeting, it was asked that this be treated as a short-term referral.

Peter Radu who oversees Neighborhood Services for the City provided an update on BUSD's property at 1222 University with the windscreens. He clarified that no citations have been issued to BUSD in the past three years. He also stated that after looking into issue more closely with the City Attorney, the determination was reached that the City does not have authority to enforce Graffiti Ordinance against BUSD - BMC 1398. The City team will halt current and future enforcement of BMC 1398 against BUSD properties and will rescind any outstanding notices or citation warnings. He further expressed genuine interest in being collaborative in working with property owners.

Director Calise stated that fines were never paid during COVID and no refunds are required. He further commented that PD indicated that the repeat offenders, particularly at West Campus, are the ones tagging the majority of the City and with talking PD, they were willing to put officers on overtime overnight in hopes of apprehending repeat offenders.

President Babitt commented that support is needed for making sure the graffiti stops as it is costing the District a lot of money to constantly address graffiti.

Deputy City Manager Cardwell stated that the City will touch base with Police Chief on the overtime issue.

PW Director Garland advised that the City Manager issued an off-agenda memo in August 2022, updating the community on the progress with the Bright Streets initiative. He also advised that in advance of start of school year, Public Works circles all schools (about a block radius) to make sure that signage, curb painting, pavement markings, etc., are all updated and refreshed.

Vice President Vasudeo commented that at a previous 2x2 meeting the discussion regarding Bright Street was to follow the same model that SFMTA with SFSD which is to reach out to principals. Do you know if that's being followed?

PW Director Garland advised that they will share department update at next 2x2 meeting.

Vice President Vasudeo stated she would like to coordinate with the principals regarding traffic safety concerns of the parents within the three blocks.

PW Director Garland stated that principals who have traffic safety concerns can reach him directly and get prioritized.

Councilmember Hahn commented regarding clarifying two things. One, giving priority to Bright Streets before the school year begins along perimeter of school and kids' routes to school. Two, ongoing, all year requests and having a system for those making sure they get to head of queue.

## **5.2 - Update on the Milvia Street Project**

The committee received a PowerPoint presentation from Director Calise regarding Update on Milvia Street Project. This was followed by committee members asking questions.

Vice President Vasudeo asked clarifying question regarding why TDM survey is being done separate from the staff survey and why the different timelines.

Director Calise responded that the TDM survey is a robust survey much bigger than what can be done in house. There is a need to know how many people are driving and why; and how many spots are available in the neighborhood. TDM is forthcoming; but there is limit on what can be produced.

Vice President Vasudeo asked who is doing the TDM survey, the timeline and how is the District incentivizing staff to use sustainable means for transportation.

Director Calise responded that the District has not picked a consultant to do the TDM. The District currently incentivizes staff with the Cafeteria Plan; but could not speak as to whether the District has additional money to incentivize.



President Babitt asked for next steps to solve teachers' need to move cars every two hours and if there were different policy issues to work on in interim for more parking permits.

PW Director Liam Garland commented that the plan is to take the presentation to the City's technical experts in parking program, do some further analysis, especially the pros and cons of different policy options in front of the USD and the City and return with analysis and alternatives at next 2x2 meeting.

Councilmember Hahn requested clarification regarding placement of proposed new building and tennis courts.

Director Calise responded that four tennis courts, the new building, and additional parking will be on the main campus.

Councilmember Hahn stated she was looking forward to having data about how many parking permits are desired and what the City will decide to do.

Director Calise stated the intent to have results regarding how many people are driving by next meeting.

Director Vasudeo spoke about the conversation needed for TDM and how are we incentivizing staff to travel more sustainably.

### **5.3. - Update on Berkeley Youth Equity Partnership**

Director of Health, Housing and Community Services, Dr. Lisa Warhuus, along with Nina Goldman, Katie Cobian presented on Berkeley Youth Equity Partnership. The presentation covered the New Name, Impacts of Berkeley's 2020 Vision; Lessons Learned; YEP's Framework and Key Activities. This was followed by committee members asking questions.

President Babbitt thanked HHCS for presentation and expressed BUSD goal for partnership with the City to support students. President Babbitt acknowledged the work and asked for a moment of silence for Hon. Karen Hempfield, former BUSD Board Member and President.

Director Vasudeo commented about having targeted outreach to Umoja and Puente program participants for an opportunity to be a part of the panel. She also spoke about learning how the City is working with CBOs.

Nina Goldman responded that the City funds almost every CBO in Berkeley, in Umoja and Puente, as well as connecting with the three community-based organizations that are serving the Black Lives Matter Resolution. Everyone will be invited to apply in the Fall for next round of funding.

Councilmember Hahn commented about the need for crisper goals in terms of metrics.

President Ford Morthel mentioned a lot of the partners are not clear on metrics around what the program does or what they are trying to accomplish. President Ford Morthel also commented

about how to first get clear on what District goals and outcome goals are for students, then working with partners on what their role is in supporting goals. The other discussion was creating clear metrics as partners on the quantitative measures and qualitative measures.

Nina Goldman added that one of the things learned is the complexity of the numbers – collecting data and how it interacts with each other - programs are doing amazing things with kids; but looking at the community measures, there's a disconnect. Expertise is needed in data analysis.

## **6. Action Item**

### **6.1 - Develop and Prioritize Future Agenda Items**

President Babitt asked the committee to have an agreement to prioritize issues for next meeting:

1. Giving more time to resolving parking permit issue;
2. Getting updates on Milvia project; and
3. focusing on next steps on YEP.

Vice President Vasudeo expressed that there are priority topics that come up at 2x2 meetings – 1. Transportation -- Bright Streets and Milvia project; 2. Closing opportunity gap and agencies collaborating; and 3. Safety in our schools.

Councilmember Hahn commented about having 2x2 meetings every month. Other topics of interest are seeing zero waste in plastics, including issues around recycling, composting, reusables at BUSD and how the City can support; interested in shared facilities and expanding shared facilities for more accessible spaces for the rest of the community.

Committees collected list of topics for future meetings: 1. YEP; 2. Safety Task Force; 3. Milvia Street Project; 4. Shared equitable recreation; 5. Transportation – traffic around school; 6. Zero Waste; and 7. Meeting regularly.

Committee agreed on upcoming Special Meeting on May 17, 2023 at 11:00 am and Regular Meeting on June 16, 2023 at 1:00 pm. Further discussion is needed for proposed dates of September 8 at 10:30 am -12:00 pm, November 9 and/or possible date in October.

## **7. Next Meeting**

Special Meeting on May 17, 2023, at 11:00 am – 12:30 pm

Regular Meeting on June 16, 2023, at 1:00 pm – 2:30 pm

## **8. Adjournment**

Meeting adjourned at 10:50 am



Office of the City Manager

**Notes of 2x2 Committee Meeting  
May 17, 2023**

Called to Order

Meeting commenced at 11:02 am

Approval of Special Meeting Agenda for May 17, 2023

President Laura Babitt moved to approve agenda for meeting. The motion was seconded, and passed.

Roll Call

Director Jennifer Shanoski, BUSD; Councilmember Sophie Hahn, City of Berkeley and President Laura Babitt, BUSD were present. Councilmember Terry Taplin, City of Berkeley was absent. Director Shanoski was the alternate for BUSD Board Member, Director Ana Vasudeo.

Others Present

Matt Meyer, President of Berkeley Federation for Teachers for public comment; Regina Chagolla, Vice President of Berkeley Federation of Teachers for public comment; Ramonda Clarke, City of Berkeley; Anne Cardwell, City of Berkeley; Enikia Ford Morthel, Superintendent BUSD; John Calise, Executive Director of Facilities BUSD; Tom Lent, President of Walk Bike Berkeley for public comment and Jessica Lopez, Executive Assistant BUSD

Approval of Minutes for April 28, 2023

Councilmember Hahn moved to approve minutes of April 28, 2023 meeting. The motion was seconded, and passed.

Public Comment

Matt Myers commented about the parking situation at Berkeley High for staff around commuting with their children with different drop off locations and unable to use ebike for this purpose and

lack of available parking for school day. He also expressed support of Director Calise's alternatives and the need for the City's collaboration.

Tom Lent commented about the BUSD survey that was shared with staff members and the need for a TDM survey to evaluate needs for BHS staff.

Liza Lutzker expressed appreciation of new flexible approach. She also commented about the survey to staff and suggested District collaboration with City transportation for more accurate data.

Cielo Rios commented about the need for a survey design to create an unbiased and comprehensive analysis of how staff get to work, the distance they travel and where they live.

#### Discussion Item – 5.1 Update on Milvia Street Project

Director John Calise presented. The objective of presentation was to review high level findings of the parking study. Director Calise clarified that the internal survey is different from a TDM survey and that the District will bring in a consultant to do a TDM survey and then, engage 2x2 in discussion about possible next steps. The internal survey has been shared with City staff.

Parking study survey has been finalized. There was 40% participation in survey. Out of the respondents 80% drove to work out of necessity; 85% are able to use the staff lot; 5% parked in city or private parking garages; and 14% use surface street parking in the neighborhood.

President Babitt requested clarification of which lot, and if the 220 permits all go to Berkeley High School staff.

Director Calise responded that there are approximately 220 BHS parking permits issued for the 144 spaces, lot on Milvia between Bancroft and Durant. The spaces are first come, first serve with permit.

President Babitt stated that there are zero permits offered to staff by the City.

Director Calise thanked Babitt for clarifying stating that there are no RPP permits issued for anyone who works at BHS.

Director Calise further stated the study showed that if a financial incentive was offered, would driving to work change, 75% said no.

Director Shanoski asked about timeline for TDM survey.

Director Calise advised they anticipated putting out an RFP sometime this summer.

Director of Public Works, Liam Garland advised that the City is still digesting presentation and introduced parking policy team members Gordon Hansen and Hamid Mostowfi.

Gordon Hansen of Public Works advised that the City manages parking via RPP permits for the purpose to protect parking for residents. The area around BHS, Area C, where John's team did the parking survey was established in 1986. BHS is located within Area I, which covers the southside and downtown area. RPP permits are intended for residents only. The City has several other programs that allow different classes of users to be able to park in our different areas. One of those programs is the neighborhood serving Community Facility program or NCF that allows employees of schools, churches and rehab centers to be able to purchase permits for the areas in which the facilities are located. The City also has a program for local merchants that allows them to get permits for certain commercial districts.

Under the current program, facilities apply every year using the same standard process. By using a standard formula, we look at the number of full-time staff, multiply that by 60%, that gives us the top line of parking permits that can be issued at the facility. Off-street parking available to that facility is also taken into account.

Historically BHS and other schools and churches in Area I have been excluded from eligibility for that program due to Area I being quite compacted. The other reason for this is that the City is guided by the Berkeley Municipal Code that staff must consider the degree of impact on parking conditions for residents and merchants in the area where we would consider extending eligibility for these community facility permits. Because of the unique constraints and pressures in Area I, BHS and other facilities have been excluded by administrative regulation in keeping with the direction from the code.

The question is, how do we move forward from here from the city's perspective. These are high level for discussion purposes, not proposals or plans. One idea, we say we will allow Berkeley High School to apply for these permits in Area I. That would be a departure from our past practice and would raise a lot of concern for the City for major impacts on existing permits holders.

Area C borders Berkeley High School. BHS is not actually within the boundaries of Area C where John's team did the parking survey analysis. Area C is a little more tricky and requires additional conversation, it may actually require council action to change the location of RPP area boundaries.

If we wanted to say, allow BHS to apply for community facility permits for Area C. The other piece is changing boundaries of Area I and Area C could disproportionately impact the existing RPP Area I parking, that's located on the periphery of Berkeley High School. Further reducing

opportunities for residents in the downtown area to find Area I parking. Those are two potential ways forward that we can discuss.

President Babitt interjected to allow Q & A on what was heard thus far.

Councilmember Hahn thanked Gordon for helpful information. She further commented that the reason for this conversation is because City Council referred it 2x2 saying we don't think it's optimal to have a parking garage in the middle of the downtown and please help problem solve hand in hand with the district. In that spirit, we need a well-developed plan to go to council.

Councilmember Hahn also stated that Area J and Area E, along with Area C should be looked at. From a regulatory perspective, we would need council action to say Berkeley High is special and we will allow them to apply for permits in these other areas, or we would have to put them in another area.

Councilmember Hahn commented that surveys are helpful but definitive. What is more important even without a study is, putting programs and incentives in place at all our schools, i.e., electric trikes that have a big cargo and enhancing programs BUSD already has in place.

Councilmember Hahn expressed understanding and sympathy of people having complicated lives and being at different stages of life, and some have the need to drive for different reasons and some can take an ebike or other transit. Hahn also stated that they are trying to find solutions and personally thinks getting permits will be part of that solution, and is committed to all of the above.

Director Shanoski appreciated problem solving approach and the City partnering with the school district regarding issue of parking for teachers and staff and concerns about building a parking structure. Further comments about the big issue of subs and part-time teachers parking on city streets and if it would be possible to alleviate some of the city concerns if those folks were prioritized with the city street permits, to minimize the impact on city streets.

Councilmember Hahn clarified that once BUSD has the permits that it is up to District to allocate them.

Director Shanoski confirmed Hahn's statement and advised that she was just voicing it as a possibility and that in collaboration with labor partners, they can figure out how to prioritize the permanent spaces and we use the permits in a more flexible way

Director Calise provided feedback that Berkeley High is the only school with a parking lot. The lottery is done now for subs, part-time and full-time teachers, but the itinerant staff aren't considered in lottery - special ed folks who roam school to school, do not get into that lottery and

are stuck looking for a spot. The reason is to try and maximize lot to make sure every spot is filled for the entire day.

Director Shanoski questioned if those included in the survey, includes the subs and part-time teachers because of the need to understand the impact to all.

Director Calise advised that subs were not included, as they are not part of BHS council.

President Babitt agreed with colleagues regarding being in problem solving mode. Babitt further commented about the fact that people are driving and parking in the neighborhoods from 8:00 am to 4:30 pm every day, and moving their cars every two hours. This is extremely disruptive for the city's educational program. The district needs help eliminating the fact that teachers are moving every two hours and to use the spaces that are already being used in a more efficient way.

Councilmember Hahn asked if the survey taken of Area C that showed 73% of spaces taken, included all the BHS staff, etc., on a school day.

Director Calise responded majority parked in the west in Area C because that's where most spots are available and why the area was studied.

Councilmember Hahn expressed to Deputy City Manager Anne Cardwell that no matter what, the City is going to have to take a look at this. BUSD has not taken action on the alternative plan, etc.; but feels like this needs to get in front of council in some fashion – maybe by writing a discussion item that President Babitt and Councilmember Hahn could write it together with support from Public Works, BUSD, to lay out all these great “ha-has” we have, with imperfect information.

Councilmember Hahn suggested a general outline of a path forward for the City's piece. The city's piece would be to consider a special dispensation for a certain number of permits to be allowed in one, two, or three adjoining areas by a possible ordinance change to see if we can get a certain number of permits in the three outlining areas. The second thing that should be looked at jointly is a robust electric cargo bike program. Teachers and staff can help us understand what would work for them. Maybe there's some grant funding out there for a pilot of a really well thought through program, either loaners; maybe we give some kind of an incentive to purchase one. Let's have a broad dive into an innovative program. The third is to look at what are the transit incentives that BUSD has in place.

Director Calise responded that BUSD currently has a cafeteria plan for all staff members who use public transit that they show their receipts and that amount is pre-taxed out of their check.

Councilmember Hahn asked if there is something we can do that is better or a way to design this so that more people take advantage of it. Is there any other thing that we should put in the council's idea box?

President Babitt said that she heard Gordon say that permits are offered at a cost and asked what is the portion that BUSD in the current structure of these neighborhood community service programs would have to pay.

Gordon Hansen responded the NCF permits? Yes, I believe it's \$82 a year.

President Babitt responded \$66 and then \$185? We will need that information.

Director Calise advised that it comes come out of a different fund. The way that the permits are paid for is out of the site funds. The sites are allocated x amount of dollars of general fund dollars to use discretionary. Those permits at the sites are actually paid for by the sites.

Councilmember Hahn would like to explore allocating permits in the three nearby areas, some kind of cargo bike program, reevaluating the effectiveness of the transit incentive and whether that can be enhanced in some way. The possibility that some portion of the vehicle parking need might be handled in some way with a shared cost or something at the new half empty parking facility downtown. Hahn would invite BUSD to present at meeting and having the conversation about BUSD and the City of Berkeley's piece with council.

President Babitt asked where are we landing on the need for additional surveys or the TDM and what are the outcomes we expect a TDM to help offer, giving the framing that we have come up with to solving the immediate problem.

Gordon Hansen first confirmed the permit cost is \$83 year. He further commented BUSD already provides a pretax commute benefit which allows employees to set aside funding from their paycheck to be used for any type of transit that they use. Other options to consider an AC Transit Easy Pass program. It offers bulk discounts typically used by either large institutions. What it does is provide a discounted transit pass for use on transit at a much lower cost to the employer than a normal monthly or yearly pass would be.

Director Babitt responded that it sounds like the results of the TDM would be to basically let us know how to advocate for more of the public transit uses, the funding sources, the discounts or any kind of offerings we could partner with mass transit.



Gordon Hansen responded yes, that's definitely one approach.

Councilmember Hahn responded to Gordon saying that the question is, do we really need to spend money to do a special study; or with your expertise, would we be able to just potentially show a menu of things that could help reduce driving? Or do we need to spend the money on a study?

President Babitt said she thinks the study would help us negotiate with AC transit or BART.

Gordon Hansen responded not necessarily. To the first question, we could start with a list of TDM policies that already exist in Berkeley or that we have studied in the past in a parking pilot the city did about 10 years ago. He further stated that there is value to pursuing some external support given we are not always aware of what new programs or policies might be available so there is some research that could be valuable from a consultant.

Director Babitt thanked Gordon for feedback and asked if anyone else had anything pertinent to the solutions that we are moving towards that they would like to add before we adjourn.

Councilmember Hahn asked if we should take some action for the City team to work with the BUSD team to put an item together, a discussion item to bring before the city council so that the city council can engage in a preliminary discussion of how the city can participate in solving this problem.

#### Approval of Motion for City Team to Prepare Discussion Item for City Council

Councilmember Hahn moved for a Motion to request that the City team prepare a discussion item for City Council to begin exploring the City's options to help solve the parking garage question.

The motion was seconded and passed

Director Calise asked if there was a timeline. He further advised that per the Board's direction, they are completing the CEQA and it is almost ready to publish. He further indicated that they are supposed to be writing and releasing the RFP for the design build of the garage project in July. He again asked if he can ask for a timeline, so he understands the direction to look for from the Board as to whether or not to postpone, pause, etc.

Director Babitt asked if there is a difference between pause and terminating.

Director Calise responded there is. But what he is asking is, does the 2x2 have a timeline to work with the City or when would this action or discussion be brought to the City?

Councilmember Hahn responded that it is about putting the item together which includes a little bit of background of everything Gordon laid out about our existing rules and explain what it would take to work around them and maybe some pros and cons of the different workarounds.

Director Calise advised that he can make July work and that it is helpful to understand from a planning perspective when we would begin. If we can do it in July, I think it's helpful cause it informs their work and what needed from team.

Councilmember Hahn advised that she is not prepared to give a timeline due to it not yet being an action item. She suggested that by the end of September, she hoped to have had a discussion and an indication of the general direction that council would like to move in.

Director Babitt advised that her concern is money continuing to be spent on this \$27 million parking garage.

Director Calise responded we are but not continuing. The EIR and the bridging documents contracts are already in play and in the finalization stage. The dollars have been encumbered and expensed for that. For those particular contracts, is why he asked if there was a timeframe so not to put staff time and dollars or any public dollars, as far as bond dollars into moving this project to the next phase, until we understand. To not encumber or expense more dollars on this project, he'll need to update the Board. He further stated if this is where we are with project, they are pressing pause since the 2x2 has indicated is a willingness to partner and that it will go before city council for a conversation.

Deputy City Manager Cardwell advised that she will have internal meetings and then update on timing.

President Babitt thanked everyone and advised the next meeting is scheduled for June 16<sup>th</sup> and advised if any other meeting dates had been finalized.

Deputy City Manager Cardwell advised that Jessica and Ramonda are working on getting those on calendars and double checking that it works for everybody's schedule.

Next Meeting

June 16, 2023 from 1:00pm – 2:30 pm

Adjournment

Meeting adjourned at 12:23 pm



Office of the City Manager

**Notes - 2x2 Committee Meeting  
June 16, 2023**

**Called to Order**

Meeting commenced at 1:03 pm

**Approval of Meeting Agenda for June 16, 2023**

President Laura Babitt moved to approve agenda for meeting. The motion was seconded, and passed.

**Present**

Ana Vasudeo, BUSD Board Vice President; Councilmember Sophie Hahn, City of Berkeley and Laura Babitt, BUSD Board President were present at commencement of meeting.  
Councilmember Terry Taplin arrived at 1:12 pm

**Approval of Minutes for May 17, 2023**

President Laura Babitt moved to approve minutes of May 17, 2023 meeting. The motion was seconded, and passed.

**Public Comment**

Jeff Jue made comments regarding appreciation of work relating to teacher parking issue; as well as BHS students looking forward to getting tennis courts back at BHS.

Peter Wright echoed Coach Jue's comments about tennis courts, as well as commented regarding being encouraged by bond measure that passed with tennis courts and parking.

Ray Yep commented regarding need for tennis courts to return to Berkeley High and offered support and assistance for same.

Cordell Hindler invited 2x2 Committee members to Contra Costa Mayor's Conference on July 6<sup>th</sup> hosted by the town of Moraga.

Martha Cain commented regarding zero waste and discussion of reusable dishes in some BUSD cafeterias. Applauded the effort to get it launched in 23/24.

### **Discussion Item – 5.1 BUSD Presentation on Zero Waste Efforts**

Superintendent Ford-Morthel presented on BUSD's Zero Waste Efforts. The presentation included Reusable Foodware Pilot Project which included challenges/barriers and where additional support is needed. BUSD would like City's input around the implementation of the single use ordinance. Sofia Peltz and Stephen Collins of BUSD presented slides for discussion item.

### **Questions and Answers following Discussion Item 5.1 Presentation**

Councilmember Hahn stated excitement that efforts are in pilot mode. She also talked about advocacy at schools and districts for these types of programs and the work that Deborah Moore did on the Green Schools initiatives in hopes to get schools to go to reusables, recycle and other changes for zero waste. BUSD is the only one that Moore was never able to get to move forward. Zero waste has been a longstanding goal of the community.

Councilmember Hahn talked about a couple of ideas:

- Using the City's compostable list. Solution is reusables, any disposables are not a good solution
- Services that service corporate dining rooms like Google and contract with them to pick up/wash dishes
- Hotels and restaurants in Berkeley; kitchens are closed at night; dishwashing capacity in Berkeley that could be available.
- Labor – there are programs in Berkeley to partner with to provide entry level jobs and job training opportunities. The City has formerly homeless individuals who are ambassadors downtown.
- Motivated parents that are willing to volunteer.

Councilmember Taplin commended the District and recognized the work being done.

Director Vasudeo expressed thanks for updates. Further comments regarding the current use of a dishwasher at Cragmont, the Green team and use of reusable cutlery at the school.

Director Vasudeo requested more information regarding which campuses do not have a dishwasher, more specifics around cost and what it would take to make sure this is available to all our campuses or what a shared model could look like and, on the labor side, staffing numbers. Expressed curiosity of how a homeless ambassador program would work, as mentioned by Councilmember Hahn, from an equity perspective.

President Babbitt stated excitement to take it to next level and expressed confidence that it can be done. She expressed need to understand the cost benefit analysis of the services available to District to contract work out. Acknowledged significant challenges with hiring staff to do this type of work and we also the added layer of being on the school campus and clearances needed. Further suggested that the District partner with Cal Berkeley or Berkeley City Community College and find out how they are washing their dishes. Also, looking into how BHS can be a spot for Vessel, as mentioned by a student at Climate Fair.

President Babbitt asked what was the plan for the next school year 23/24.

Stephen Collins advised that a plan was not currently in place.

Superintendent Ford-Morthel stated this meeting was one of the things to get a plan in place. The challenges are getting people, facilities having dishwashers and funding. Would like to work with executive team, work on a plan and discuss further at next 2x2 meeting.

President Babbitt summarized that the District will come back with a plan and agreement for a target date of 24/25 school year, which also meets BUSD sustainability plan goals. Babbitt asked to understand what is involved in a pilot program of washing dishes?

Stephen Collins responded that it is having the people to wash the dishes. Money is needed to fill the positions.

Councilmember Hahn suggested having as part of the plan -- recruitment and retention for this classification and look at you whether increasing pay, different working conditions, bonuses, referring friends.

Councilmember Taplin asked if a union gets brought into the project, who do they bargain with.

Stephen Collins responded staff is unionized. The partner organization called the Merit Commission controls all of the recruiting.

President Babitt summarized that staffing is the current challenge. Would also like to understand costs, possibly partnering with Cal Berkeley or Berkeley Community College or bigger entities.

### **Prioritize Future Agenda Items**

President Babitt mentioned continuing the conversation around the parking structure and the permits.

Director Vasudeo mentioned Bright Streets and that there are specific requests from district principals around public works projects at the school sites. Would like to know if there are public works requests that district needs to collaborate on. There are also pending safe routes to school safety assessments and need collaboration with planning staff at the city to implement some of the recommendations.

President Babbitt commented about needing updates around the 2020 vision (YEP) and how those funds are being allocated. RFP needed, Grants. Collaborate more with being able to expand things that are working and just simplifying that process in general.

Anne Cardwell advised that Dr. Lisa Warhuus (Director of HHCS) requested that YEP be a standing item on agenda.

Councilmember Hahn commented about Bright Streets and asked regarding status of work from Public Works.

Summary of agenda topics

- Zero Waste
- Bright Streets
- 2020 Vision/YEP
- Transportation - Safety
- Parking Structure and Permits

### **Next Meeting**

September 8, 2023 from 10:30 am – 12:00 pm

Meeting adjourned at 2:01pm.



Office of the City Manager

INFORMATION CALENDAR

December 12, 2023

Info

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Farimah Brown, City Attorney  
 Subject: Settlement of Claim of D.L. Falk Construction Inc.  
 (North Berkeley Senior Center)

INTRODUCTION

Under Berkeley Municipal Code section 2.06.120G, all settlements that are not announced at the conclusion of a closed session are provided to the Council and the public via an information report.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to the Council's authorization on September 26, 2023, the City has entered into the attached Settlement and Release.

BACKGROUND

On May 17, 2019, Council approved a Construction Agreement between the City and D.L. Falk Construction Inc. ("DLF") for a project at the North Berkeley Senior Center which included seismic retrofitting, deferred maintenance upgrades, and various improvements ("Project"). The initial approved contract amount was not to exceed \$8,320,400 (Resolution No. 68,303-N.S.). On April 27, 2021, Council approved a contract amendment raising the not to exceed amount to \$8,670,400 (Resolution No. 69,828-N.S.).

The Project incurred significant construction challenges which resulted in delays in project completion and claimed cost overruns. On October 3, 2022, DLF submitted a Claim to the City asserting that it was owed an additional \$3.38 million in connection with the Project.

Prior to litigation of claims on a public construction project, parties are required to engage in a mediation process. Over the course of the following year, the parties engaged in mediation and settlement discussions.

On September 26, 2023, Council convened in closed session and provided direction regarding a potential settlement.

On October 23, 2023, the parties executed the attached Settlement Agreement. The Settlement Agreement provides that DLF will release all claims against the city relating to the Project in exchange for a payment of \$1.25 million. The Settlement Agreement reflects the terms reached by the parties consistent with the Council's Approval.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

POSSIBLE FUTURE ACTION

None considered.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Not applicable (no possible future actions considered).

CONTACT PERSON

Farimah Brown, City Attorney, 510-981-6950

Attachments:

1: Settlement Agreement and Release



## **SETTLEMENT AGREEMENT**

This Settlement Agreement (the “Agreement”) is made and entered into by and between D.L. Falk Construction Inc. (“DLF”) and City of Berkeley (“Berkeley”). DLF and Berkeley each may be referenced as a “Party,” and DLF and Berkeley collectively may be referenced as the “Parties.” Upon execution of this Agreement, it shall be effective as of September 26, 2023 (“Effective Date”).

### **RECITALS**

A. Berkeley is the owner of the public works project generally described as the North Berkeley Senior Center Seismic Upgrades and Renovations at 1901 Hearst Ave., Berkeley CA 94709, Project No. 19-11268-C (“Project”).

B. On or about March 29, 2019, DLF and Berkeley entered into a written contract in which DLF was to perform construction work on Project (“Contract”).

C. The initial Contract time was 210 calendar days for substantial completion (January 1, 2020) and 260 calendar days for final completion (February 20, 2020).

D. The City issued Notice of Completion on August 31, 2022, 735 days later than the contract final completion date.

E. On or about October 7, 2022, DLF transmitted an “omnibus” claim pursuant to Article 12 of the Contract seeking additional compensation in the amount of \$3,381,228.83 in connection with numerous change order requests (CORs). DLF’s omnibus claim included COR #61.7 in the amount of \$1,420,380.17 pertaining to DLF’s claim for extended general conditions and a contract extension of 752 working days for the performance of additional work DLF contends was required by the City.

F. In addition, DLF submitted its final Payment Application No. 31 seeking \$93,417.64, and its retention Payment Application No. 32 seeking \$427,823.25. The City paid only the undisputed portion of Payment Application No. 31 and did not pay Payment Application No. 32 due to disputes arising from defective work the City believed needed to be corrected. The City disputed the amount DLF claimed it was owed for retention because the City valued the retention at \$413,821.64.

G. The Contract provides for liquidated damages of \$2,000 per day for late completion of the Project. Accordingly, the City has asserted entitlement to \$1,470,000 in liquidated damages from DLF.

H. The respective claims and counterclaims by the Parties related to and arising out of the Project and Contract, including claims that could have been asserted but were not, are hereinafter referred to as the “Dispute”.

I. Between February 9, 2023, and July 13, 2023, the Parties engaged in various mediation proceedings with JAMS, in satisfaction of their obligations under the Contract and pursuant to Public Contract Code section 9204.

J. DLF and Berkeley now seek to avoid the expense and risk of future litigation and to settle and compromise fully and forever, the Dispute via this Agreement, which has been negotiated at arms' length and has been agreed to by the Parties in good faith.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by DLF and Berkeley, and intending to be legally bound by the terms of this Agreement, the Parties agree as follows:

1. **Recitals**. The Recitals above are incorporated herein as terms of this Agreement and are not mere recitals.

2. **Payment to DLF**. Within thirty (30) calendar days of execution of this Agreement, Berkeley shall pay to DLF the sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) ("Settlement Payment") as full accord and satisfaction of the Dispute, including but not limited to any claims for interest, costs, or attorneys' fees.

3. **Condition of Approval**. This Agreement is expressly conditioned upon ratification of the key terms of this Agreement by the Berkeley City Council, which Berkeley's signatory below certifies occurred at the September 26, 2023, meeting of the City Council.

4. **Berkeley Waiver of Accrued Delay Damages**. Berkeley agrees to waive its claims for costs for accrued Liquidated Damages and/or delay damages and/or defective work arising through Project completion.

5. **No Admission of Liability**. The Agreement involves the settlement and compromise of disputed claims and does not constitute an admission of liability by any of the Parties to this Agreement.

6. **Fees and Costs**. DLF and Berkeley shall each bear their own attorneys' fees and costs in connection with the Project and the Dispute and the negotiation and creation of this Agreement. If any action is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which the Party may be entitled.

7. **Mutual General Release**. Except for Ongoing Rights and Obligations arising from the Contract described in Section 8 below, the Claims Not Released described in Section 11 below, and the obligations and rights created or confirmed by this Agreement, DLF and Berkeley, on behalf of themselves and their respective past, present, and future members, partners, shareholders, and insurers, and each of their respective predecessors, successors, and assigns, hereby releases the other Party and each of their respective predecessors, successors, and assigns, past or present, indirect or direct, partners, members, investors, parents, subsidiaries, heirs, executors, administrators, affiliated entities, insurers, attorneys, employees, and sureties from and against any and all causes of action, claims, demands, damages, obligations, liabilities, or judgments of whatever kind and character, whether known or unknown, suspected or unsuspected, accrued or unaccrued, in law, equity, or otherwise, that each currently owns or which may arise in the future

DLF – CITY OF BERKELEY SETTLEMENT AGREEMENT

relating to or arising from any and all past, present, or future claims in connection with the Dispute, the Project, or the Contract.

8. **Ongoing Rights and Obligations.** Except as specifically stated herein, the Agreement shall not be construed as creating, altering, extending, or abridging the ongoing rights and obligations of the Parties under the Contract, including but not limited to DLF's obligation to indemnify, hold harmless, and defend the City. All warranties and guarantees specified in the Contract shall remain in full force and effect. Any change to the Contract required by this Agreement will be accomplished in accordance with the Change Order provisions of the Contract. In particular, all warranties and guarantees under the Contract are to remain in full force and effect, except as modified by Contract Change Order.

9. **Claims by DLF Subcontractors and Suppliers.** Notwithstanding any other provision in this Agreement, DLF agrees to defend, indemnify, and hold harmless Berkeley from any and all mechanics liens, stop notices, payment bond claims, or other claims or demands for payment by any subcontractor, supplier, or materialman of any tier, or other materialmen or laborers providing work, services, or materials to the Project at the request or direction of DLF.

10. **California Civil Code Section 1542 Waiver.** The Parties expressly acknowledge and agree that the release(s) contained in this Agreement include a waiver of all rights under Section 1542 of the California Civil Code. This statute reads as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

The Parties acknowledge that the foregoing waiver of the provisions of Section 1542 of the California Civil Code was bargained for separately. Accordingly, Section 1542 of the California Civil Code, and any similar law, statute, provision, or policy of this or any other state, is hereby expressly waived by DLF and Berkeley as to the claims that are released by this Agreement.

11. **Claims Not Released.** The Release set forth in Paragraph 7 above shall not release the Parties from the claims described herein. The Parties expressly reserve against one another all claims and defenses based on latent deficiencies (as that term is defined in California Code of Civil Procedure section 337.15, hereinafter collectively referred to as "Latent Deficiencies") in the Project construction not known as of the Execution Date.

12. **Third-Party Beneficiaries.** Except as otherwise expressly provided herein, nothing in this Agreement is intended to confer upon any person or entity other than the Parties and their respective successors and assigns any rights, remedies, obligations, or liabilities by reason of this Agreement.

13. **No Assignment of Claims.** DLF and Berkeley represent and warrant that each has not assigned or otherwise transferred any interest in any of the claims that they are releasing pursuant to this Agreement. DLF and Berkeley agree to indemnify, defend, and hold harmless the other from and against any and all liability, loss, claims, damages, costs, expenses, or attorneys' fees incurred as a result of its breach of the representation contained in this paragraph.

14. **Notices.** Any notice required or permitted to be given under this Agreement shall be in writing and either shall be mailed by certified mail, postage prepaid, return receipt requested, or sent by overnight air courier service, or personally delivered to a representative of the receiving Party. All such communications shall be mailed, sent or delivered, addressed to the Party for whom it is intended at its address set forth below:

If to Berkeley: City of Berkeley  
Attn: City Attorney's Office  
2180 Milvia Street  
Berkeley, CA 94704

With a copy to: D. Joan Cox, Esq.  
Burke, Williams & Sorensen, LLP,  
One California Street, Suite 3050,  
San Francisco, CA 94111-5432

If to DLF: David T. Falk  
D.L. Falk Construction Inc.  
3526 Investment Blvd.  
Hayward, CA 94545

With a copy to: Matthew A. Richards  
Nixon Peabody LLP  
One Embarcadero Center, 32nd Floor  
San Francisco, California 94111

15. **Good Faith; Rescission.** The Parties agree that this Agreement is entered into in good faith and for adequate consideration and may not be rescinded.

16. **No Reliance.** Each Party acknowledges that it has made such investigation of the facts pertaining to the settlement and this Agreement, and all matters pertaining thereto, as it deems necessary. Each Party to this Agreement represents that: (a) it is represented by the attorneys of its choice; (b) prior to the execution of this Agreement each Party's attorney reviewed this Agreement, made all desired changes, and approved this Agreement as to substance and form; (c) the terms of this Agreement and its consequences (including risks, complications, and costs) have been fully explained to it by its attorneys; (d) it fully understands the terms and consequences of this Agreement; (e) it is not relying upon any representation or statement made by any other Party hereto, or by such other Party's employees, agents, representatives or attorneys regarding this Agreement or its preparation except to the extent such representations are expressly and explicitly incorporated herein; (f) it is not relying upon a legal duty, if one exists, on the part of any other Party, or upon the part of such other Party's employees, agents, representatives or attorneys, to

disclose any information in connection with the execution of this Agreement or its preparation; and (g) it has carefully read and understands the contents of this Agreement and freely signs it of its own free act, without any constraint or undue influence, and it is the intention of each Party to be legally bound by this Agreement. Further, it is expressly understood that no Party shall ever assert any failure to disclose information by any other Party as a ground for challenging this Agreement.

17. **After-Acquired Facts.** The Parties acknowledge that they might hereafter discover facts different from or in addition to those they now know or believe to be true with respect to a claim or claims released herein, and they expressly agree to assume the risk of possible discovery of additional or different facts, and agree that this Agreement shall be and remain effective in all respects regardless of such additional or different discovered facts, or any change in circumstances.

18. **Prohibition of Use.** Neither this Agreement nor any of its Recitals, terms, or provisions, nor any of the negotiations connected with it, nor any other action taken to carry out this Agreement, shall be offered by either Party as evidence in any pending or future civil proceeding against the other Party, except in a proceeding to enforce or interpret any of the terms of this Agreement, including but not limited to as a defense to any claims released herein.

19. **Construction of Agreement.** Should any of the provisions or terms of this Agreement require judicial interpretation, it is agreed that the Court or other trier of fact interpreting or construing this Agreement, shall not apply a presumption that such provision(s) or term(s) shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who prepared it. It is agreed that all Parties have participated in the preparation and review of this Agreement.

20. **Complete Agreement.** The Parties agree, declare, and represent that, other than the express terms of this Agreement and Exhibits hereto, no promise, inducement, representation, or agreement has been made to any Party by anyone to cause them to enter this Agreement, and each Party further agrees, declares, and represents that it has not relied on any representation, oral or written, by any other Party in making the decision to enter into this Agreement. The Agreement contains the entire agreement between the Parties, and the terms of the Agreement are contractual and not a mere recital. This is a fully integrated Agreement, and it may not be altered or modified by oral agreement, representation, or otherwise except by a writing of subsequent date hereto signed by all Parties.

21. **Governing Law.** This Agreement shall in all respects be interpreted, enforced, and governed by the laws of the State of California.

22. **Further Documents.** Each Party will cooperate and diligently perform any further acts, deeds, and things and execute and deliver any documents that may from time to time be reasonably necessary or otherwise reasonably required to consummate, evidence, confirm, and/or carry out the intent and provisions of this Agreement, all without undue delay or expense and without further consideration.

23. **Mutual and Binding Agreement.** The Parties represent that they have fully read and understood this Agreement and acknowledge that this Agreement is mutual, final, and binding on them and on their respective agents, employees, legal representatives, successors, assigns, heirs, estates, executors, and all others claiming by or through the Parties and otherwise as described in this Agreement.

24. **Authority.** Each signatory for each respective Party hereunder represents and warrants that they have all due authority necessary to execute this Agreement on behalf of such Party.

25. **Counterparts.** This Agreement may be executed in any number of counterparts, with the same effect as if all of the Parties hereto had signed the same document. All counterparts shall be construed together and shall constitute one agreement.


26. **Severability.** The paragraphs of this Agreement are severable. So long as the essential purpose of this Agreement may be accomplished, a finding that any particular paragraph of this Agreement is invalid and/or unenforceable shall not affect the validity or enforceability of the remaining provisions of the Agreement.

27. **Public Contract Code.** This Agreement concludes the Parties' dispute resolution process under the Contract and pursuant to Public Contract Code section 9204. The Parties acknowledge they have no further obligations under Public Contract Code section 9204 related to the Dispute.

**IN WITNESS WHEREOF**, D.L. Falk Construction Inc. and the City of Berkeley have executed this Agreement.

Date: October 23, 2023

**D.L. Falk Construction Inc.**

By:   
Name: David Falk  
Its: Director of Operations/Owner

Date: \_\_\_\_\_, 2023

**City of Berkeley**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

23. **Mutual and Binding Agreement.** The Parties represent that they have fully read and understood this Agreement and acknowledge that this Agreement is mutual, final, and binding on them and on their respective agents, employees, legal representatives, successors, assigns, heirs, estates, executors, and all others claiming by or through the Parties and otherwise as described in this Agreement.

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Date: \_\_\_\_\_, 2023

**D.L. Falk Construction Inc.**

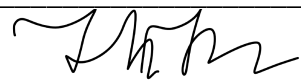
By: \_\_\_\_\_

Name:

Its: \_\_\_\_\_

Date: \_\_\_10/23\_\_\_\_\_, 2023

**City of Berkeley**



By: \_Farimah Brown

\_\_\_\_\_ Name:

Its: \_\_\_\_\_City Attorney







Office of the City Manager

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Henry Oyekanmi, Director, Finance Department  
Subject: FY 2023 Fourth Quarter Investment Report: Ended June 30, 2023

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended June 30, 2023 was 3.06%, 5 basis points more than the 3.01% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 3.06% for the quarter ended June 30, 2023 was 30 basis points more than the rate of 2.76% earned in the quarter ended March 31, 2023.
- The average return on all Retiree Medical Trust Fund investments was 5.08% for the quarter ended June 30, 2023.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of the quarterly report for fiscal year 2023 Fourth Quarter ending June 30, 2023 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

## **A. Portfolio Results**

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than that of most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

### **1. Liquidity of Portfolio:**

The average investment in the pooled portfolio matures in 1,286 days as of June 30, 2023. This is 36 days less than the 1,322 maturity days as of March 31, 2023.

### **2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended June 30, 2023**

The City's yield on investments for the quarter ended June 30, 2023 was 3.06%, an increase of 30 basis points (.30%) from the 2.76 earned during the quarter ended March 31, 2023. The average yield on a 91-day Treasury bill at the end of the quarter ended June 30, 2023 was 5.28%, an increase of 59 basis points (0.59%) from the 4.69% at the end of the previous quarter, primarily as a result of the Fed's raising the Federal Funds rate by .25% on March 23, 2023 and .25% on May 3, 2023.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter by 5 basis points. Staff's performance was above the performance measure in April by approximately 11 basis points (+.11%); over the performance measure in May by approximately 7 basis points (+.07%); and, was under the performance measure in June by approximately 2 basis points (-.02%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

**Table 1**

| <b>For Quarter Ending June 30, 2023</b> |             |                   |                   |
|-----------------------------------------|-------------|-------------------|-------------------|
| <b>Period</b>                           | <b>City</b> | <b>State LAIF</b> | <b>Difference</b> |
| Apr-23                                  | 2.98%       | 2.87%             | +0.11%            |
| May-23                                  | 3.06%       | 2.99%             | +0.07%            |
| June-23                                 | 3.15%       | 3.17%             | -0.02%            |
| Apr 1-Jun 30                            | 3.06%       | 3.01%             | +0.05%            |

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended March 31, 2023 compared to the quarter ended June 30 2023, were as follows:

**Table 2**

| <b>EARNED INTEREST RATES</b>                             |                            |                                       |
|----------------------------------------------------------|----------------------------|---------------------------------------|
| <b>For Quarter Ended 3/31/2023 Compared To 6/30/2023</b> |                            |                                       |
| <b>Trust Fund</b>                                        | <b>3rd Qtr<br/>3/31/23</b> | <b>4<sup>th</sup> Qtr<br/>6/30/23</b> |
| Retiree Medical Trust Fund (Misc Employees)              | 5.41%                      | 5.39%                                 |
| Fire Retiree Medical Trust Fund                          | 5.22%                      | 5.19%                                 |
| Police Retiree Medical Trust Fund                        | 4.62%                      | 4.60%                                 |

The rates earned on these plans are expected to continue to increase, as staff plans to use the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

**B. Discussion of Interest Rate Environment and Outlook**

In its June 14, 2023 statement, the Federal Open Market Committee said recent indicators suggest that economic activity has continued to expand at a modest pace. Job gains have been robust in recent months, the unemployment rate has remained low, but inflation remains elevated.

The U. S. banking system is sound and resilient. Tighter credit conditions for households and businesses are likely to weigh on economic activity, hiring, and inflation. The extent of these effects is uncertain. The Committee remains highly attentive to inflation risks.

**Yield Trend**

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. In support of these goals, the Committee decided to maintain the target range for the federal funds rate at 5 to 5-1/4%-percent. Holding the target range steady at this meeting allows the Committee to assess additional information and its implications for monetary policy. In determining the extent of additional policy changes that may be appropriate to return inflation to 2 percent over time, the Committee will take into account the cumulative tightening of monetary policy, the lags with which monetary policy affects economic activity and inflation, and economic and financial developments. In addition, the Committee will continue to reduce its holdings of Treasury securities and agency debt and mortgage-backed securities, as described in its previously announced plans. The Committee is strongly committed to returning inflation to its 2 percent objective.

In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming information for its economic outlook. The Committee would be prepared to adjust its stance of monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will take into account a wide range of information, including readings on labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Since the Federal Reserve change its zero-interest rate policy in March 2017 to combat high inflation, the Federal Reserve Board has raised the Federal Funds rate 11 times for a total of 5.25%-5.50%, as follows:

**Table 3**

| DATE     | RATE CHANGE | FEDERAL FUNDS RATE |
|----------|-------------|--------------------|
| 03/17/22 | .25%        | .25%-.50%          |
| 05/05/22 | .50%        | .75%-1.00%         |
| 06/16/22 | .75%        | 1.50%-1.75%        |
| 07/27/22 | .75%        | 2.25%-2.50%        |
| 09/21/22 | .75%        | 3.00%-3.25%        |

|            |      |             |
|------------|------|-------------|
| 11/02/2022 | .75% | 3.75%-4.00% |
| 12/14/2022 | .50% | 4.25%-4.50% |
| 2/1/2023   | .25% | 4.50%-4.75% |
| 3/23/2023  | .25% | 4.75%-5.00% |
| 5/3/2023   | .25% | 5.00%-5.25% |
| 7/26/2023  | .25% | 5.25%-5.50% |

Since the rate hike on March 23, 2023, there were three regional bank failures (Silicon Valley Bank, Signature Bank and First Republic Bank), and several other regional banks are under significant pressure. Therefore, it is likely that the Fed will be extremely cautious before raising the Federal Funds rates much higher. In addition, these developments have resulted in (1) banks' raising their lending standards and reducing the number of loans granted; (2) mortgage rates rising to 8%; and (3) an increase in the probability of a significant slowdown in the US economy in 2023. Berkeley has already started feeling the effects of the Fed's monetary tightening in the form of a substantial slowdown in the sales of real properties in the third and fourth quarters of FY 2023.

#### Change in Strategy

Prior to the Fed's change in monetary policy starting March 17, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the Fed's change to a tighter monetary policy in March 2022, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates. This should result in an increase in interest income during FY 2023 and beyond.

As a result of the Fed's tightening of the money supply by sharply increasing short-term interest rates and through its program of selling Agency and Mortgage-Backed securities from its Balance Sheet, there is an increasing probability of a downturn or recession in the US in late 2023 or early 2024, which could give the Fed an incentive to start reducing the Federal Funds rate in 2024, if the inflation rate continues to decline. That would result in short-term rates declining from current high levels and result in the City earning less interest income on the short-term portion of the investment portfolio.

On the other hand, the projected US budget deficit of \$1.8 trillion and the Fed's program of selling \$95 billion of Agency and Mortgage-Backed securities per month (or \$1.14 trillion per year) will significantly increase the supply of these bonds at a time when demand for them is declining (as the Fed sells \$1.14 trillion each year from its Balance Sheet, instead of purchasing them as it did before this program began). This additional huge supply of bonds will overwhelm demand for Treasury Bonds and put further upward pressure on medium and long-term interest rates. This will keep medium-term and long-

term interest rates high at least through CY 2024 and the City will continue to earn high rates on the longer-term portion of the investment portfolio.

On a long-term basis, the City’s earned rate is expected to be above the City’s benchmark (State LAIF) and the City’s return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

**Table 4**

| <b>Other California Cities<br/>Earned Interest Rates</b> |                     |
|----------------------------------------------------------|---------------------|
| For the Quarter Ending June 30, 2023                     |                     |
| <b>City</b>                                              | <b>Rates Earned</b> |
| Oakland                                                  | 4.02%               |
| Burbank                                                  | 3.06%               |
| <b>Berkeley</b>                                          | <b>3.06%</b>        |
| San Diego                                                | 2.94%               |
| San Francisco                                            | 2.93%               |
| San Jose                                                 | 2.86%               |
| Fremont                                                  | 2.59%               |
| Sacramento                                               | 2.57%               |
| Palo Alto                                                | 2.31%               |

**BACKGROUND**

- **Pooled Investments**

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency securities) notes, medium-term corporate notes and municipal securities for periods of one to ten years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- **Retiree Health Trust Fund Investments**

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board’s decision to keep short-term

rates near zero from 2008 to March 2020, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

### ATTACHMENTS

1. Portfolio Evaluation FY 2023 Fourth Quarter
2. Investment Report Analysis FY 2023 Fourth Quarter
  - a. Exhibit 2-A: Pooled Cash and Investments
  - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings April 1, 2023 – June 30, 2023
  - c. Exhibit 2-C: Book Value By Investment Type
  - d. Exhibit 2-D: Current Holdings vs. Policy Limits
  - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2023 Fourth Quarter –Trust Funds
  - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
  - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
  - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



**Portfolio Evaluation**  
**Quarter Ended June 30, 2023**

|                                             | QUARTER ENDING        |                       |                       |                       |                       |                |                       |                |
|---------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|----------------|
|                                             | June 2023             | March 2023            | December 2022         | September 2022        |                       |                |                       |                |
| <b>Total Portfolio</b>                      |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Cash and Investments (COB)           | \$ 712,329,294        | \$ 667,712,171        | \$ 657,109,639        | \$ 595,920,437        |                       |                |                       |                |
| Pooled Cash and Investments (Trust)         | <u>54,012,972</u>     | <u>54,330,791</u>     | <u>51,469,759</u>     | <u>50,385,235</u>     |                       |                |                       |                |
| Total Cash and Investments                  | <u>\$ 766,342,266</u> | <u>\$ 722,042,962</u> | <u>\$ 708,579,398</u> | <u>\$ 646,305,672</u> |                       |                |                       |                |
| <b>Average Life of Investment Portfolio</b> |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 1,286                 | 1,322                 | 1,323                 | 1,337                 |                       |                |                       |                |
| Trust Investments                           | 7.852 years           | 8.047 years           | 7.586 years           | 1.91 years            |                       |                |                       |                |
| <b>Weighted Yield</b>                       |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 3.062%                | 2.761%                | 2.394%                | 1.830%                |                       |                |                       |                |
| Trust Investments                           | 5.063%                | 5.081%                | 4.670%                | 4.094%                |                       |                |                       |                |
| Prime Rate                                  | 8.250%                | 8.000%                | 7.500%                | 6.250%                |                       |                |                       |                |
| 91-day Treasury Bill Rate                   | 5.284%                | 4.693%                | 4.343%                | 3.247%                |                       |                |                       |                |
| 2-year Treasury Note Rate                   | 4.895%                | 4.025%                | 4.426%                | 4.279%                |                       |                |                       |                |
| <b>Cash and Investments Maturity</b>        |                       |                       |                       |                       |                       |                |                       |                |
| Within one year                             | \$ 234,655,408        | 30.62%                | \$ 208,919,256        | 28.93%                | \$ 223,131,582        | 31.49%         | \$ 199,265,720        | 30.83%         |
| Between 1 to 3 years                        | 270,060,770           | 35.24%                | 103,151,808           | 14.29%                | 103,795,200           | 14.65%         | 89,762,997            | 13.89%         |
| Between 3 to 5 years                        | 164,373,440           | 21.45%                | 317,003,276           | 43.90%                | 316,456,840           | 44.66%         | 314,751,739           | 48.70%         |
| Between 5 to 10 years                       | 86,070,641            | 11.23%                | 81,672,587            | 11.31%                | 55,998,303            | 7.90%          | 42,525,217            | 6.58%          |
| Over 10 years                               | <u>11,182,007</u>     | <u>1.46%</u>          | <u>11,296,035</u>     | <u>1.56%</u>          | <u>9,197,473</u>      | <u>1.30%</u>   | <u>-</u>              | <u>0.00%</u>   |
| Total                                       | <u>\$ 766,342,266</u> | <u>100.00%</u>        | <u>\$ 722,042,962</u> | <u>100.00%</u>        | <u>\$ 708,579,398</u> | <u>100.00%</u> | <u>\$ 646,305,672</u> | <u>100.00%</u> |





**Investment Report Analysis  
As of June 30, 2023**

| <b>Investments</b>                                     | <b>Pension and OPEB</b>   |                          | <b>Total</b>          |
|--------------------------------------------------------|---------------------------|--------------------------|-----------------------|
|                                                        | <b>Pooled Investments</b> | <b>Trust Investments</b> |                       |
| Portfolio                                              | \$ 561,955,219            | \$ 46,292,870            | \$ 608,248,088        |
| Unrecognized gain/(loss)                               | (35,173,305)              | (1,754,628)              | (36,927,933)          |
| <b>Total Investments</b>                               | <b>526,781,913</b>        | <b>44,538,242</b>        | <b>571,320,155</b>    |
| <b>Cash</b>                                            | <b>Pension and OPEB</b>   |                          | <b>Total</b>          |
|                                                        | <b>Pooled Cash</b>        | <b>Trust Cash</b>        |                       |
| Cash with Fidelity Money Market                        | 164,531,385               | -                        | 164,531,385           |
| Cash with Fiscal Agents                                | 255                       | -                        | 255                   |
| Cash Deposits in Banks                                 | 30,490,471                | -                        | 30,490,471            |
| Pooled Cash Adjustment                                 | (9,474,730)               | 9,474,730                | -                     |
| <b>Total Cash</b>                                      | <b>185,547,381</b>        | <b>9,474,730</b>         | <b>195,022,111</b>    |
| <b>Adjusted Grand Total (All Cash and Investments)</b> | <b>\$ 712,329,294</b>     | <b>\$ 54,012,972</b>     | <b>\$ 766,342,266</b> |

**Pooled Cash Portfolio Breakdown As of June 30, 2023**

|             | <b>Book Value</b> | <b>Market Value</b> |
|-------------|-------------------|---------------------|
| Investments | \$ 561,955,219    | \$ 526,781,913      |

Note: The pooled cash includes Rent Board cash \$6,132,610.



City of Berkeley  
Pooled Cash and Investments  
As of June 30, 2023

| CUSIP                                   | Investment # | Issuer                      | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|-----------------------------------------|--------------|-----------------------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Certificates of Deposits</b>         |              |                             |                      |                      |                      |              |              |               |                  |                |
| 254673RD0                               | 14539        | Discover Bank               | 250,000.00           | 250,000.00           | 249,930.00           | 3.300        | 3.300        | 07/05/23      | 4                | N/A            |
| 795450T47                               | 14540        | Sallie Mae Bank             | 250,000.00           | 250,000.00           | 249,957.50           | 3.300        | 3.300        | 07/03/23      | 2                | N/A            |
|                                         |              | <b>Subtotal and Average</b> | <b>500,000.00</b>    | <b>500,000.00</b>    | <b>499,887.50</b>    |              | <b>3.300</b> |               | <b>3</b>         |                |
| <b>Medium Term Notes</b>                |              |                             |                      |                      |                      |              |              |               |                  |                |
| 88579YAR2                               | 14659        | 3M COMPANY                  | 4,890,115.44         | 5,000,000.00         | 4,773,150.00         | 3.000        | 4.120        | 08/07/25      | 768              | A2             |
| 008252AM0                               | 14582        | Affiliated Managers Group   | 1,011,480.12         | 1,000,000.00         | 986,810.00           | 4.250        | 2.300        | 02/15/24      | 229              | A3             |
| 04685A2L4                               | 14590        | Athene Global Funding       | 5,965,446.49         | 5,950,000.00         | 5,557,954.50         | 2.500        | 2.320        | 01/14/25      | 563              | A1             |
| 04685A2L4                               | 14602        | Athene Global Funding       | 4,946,978.23         | 5,000,000.00         | 4,670,550.00         | 2.500        | 3.250        | 01/14/25      | 563              | A1             |
| 20030NBN0                               | 14563        | Comcast Corp                | 5,026,292.19         | 5,000,000.00         | 4,824,400.00         | 3.375        | 3.099        | 08/15/25      | 776              | A3             |
| 233851CU6                               | 14571        | Daimler Finance             | 5,040,259.46         | 5,000,000.00         | 4,742,100.00         | 3.450        | 3.190        | 01/06/27      | 1,285            | A2             |
| 233851CU6                               | 14574        | Daimler Finance             | 3,777,360.04         | 3,725,000.00         | 3,532,864.50         | 3.450        | 3.000        | 01/06/27      | 1,285            | A2             |
| 24422EUM9                               | 14554        | John Deere Cap              | 5,004,498.58         | 5,000,000.00         | 4,973,300.00         | 3.650        | 3.300        | 10/12/23      | 103              | A2             |
| 24422EWK1                               | 14663        | John Deere Cap              | 4,981,158.18         | 5,000,000.00         | 4,878,950.00         | 4.150        | 4.250        | 09/15/27      | 1,537            | A2             |
| 375558BF9                               | 14570        | Gilead Sciences             | 5,063,489.18         | 5,000,000.00         | 4,810,050.00         | 3.650        | 3.117        | 03/01/26      | 974              | A3             |
| 30303M8G0                               | 14660        | Meta Platforms Inc          | 4,841,841.07         | 5,000,000.00         | 4,747,150.00         | 3.500        | 4.360        | 08/15/27      | 1,506            | A1             |
| 617446HD4                               | 14670        | Morgan Stanley              | 10,825,979.74        | 10,000,000.00        | 11,339,700.00        | 7.250        | 6.000        | 04/01/32      | 3,197            | A1             |
| 68389XAS4                               | 14548        | Oracle Corp                 | 5,000,401.15         | 5,000,000.00         | 4,994,450.00         | 3.625        | 3.387        | 07/15/23      | 14               | BAA2           |
| 747525AT0                               | 14564        | Qualcomm Inc                | 4,993,873.01         | 5,000,000.00         | 4,890,900.00         | 2.900        | 3.049        | 05/20/24      | 324              | A2             |
| 747525AU7                               | 14587        | Qualcomm Inc                | 6,134,782.38         | 5,963,000.00         | 5,646,424.33         | 3.250        | 2.432        | 05/20/27      | 1,419            | A2             |
| 828807CS4                               | 14606        | Simon Property Group        | 4,998,532.57         | 5,000,000.00         | 4,846,400.00         | 3.375        | 3.352        | 10/01/24      | 458              | A3             |
| 07330MAA5                               | 14588        | Truist Bank                 | 5,219,470.62         | 5,000,000.00         | 4,555,550.00         | 3.800        | 2.365        | 10/30/26      | 1,217            | A2             |
|                                         |              | <b>Subtotal and Average</b> | <b>87,721,958.45</b> | <b>86,638,000.00</b> | <b>84,770,703.33</b> |              | <b>3.547</b> |               | <b>1,133</b>     |                |
| <b>Federal Agency Coupon Securities</b> |              |                             |                      |                      |                      |              |              |               |                  |                |
| 3133ENN22                               | 14664        | Federal Farm Credit Bank    | 4,985,432.59         | 5,000,000.00         | 4,891,950.00         | 3.750        | 3.890        | 09/22/25      | 814              | AAA            |
| 3133ENP95                               | 14666        | Federal Farm Credit Bank    | 4,984,371.08         | 5,000,000.00         | 4,938,650.00         | 4.250        | 4.400        | 09/30/25      | 822              | AAA            |
| 3133ENS50                               | 14667        | Federal Farm Credit Bank    | 4,999,335.65         | 5,000,000.00         | 4,953,700.00         | 4.125        | 4.128        | 10/14/27      | 1,566            | AAA            |
| 3133ENN30                               | 14668        | Federal Farm Credit Bank    | 4,641,527.82         | 5,000,000.00         | 4,815,800.00         | 3.875        | 4.863        | 09/20/32      | 3,369            | AAA            |
| 3133ENV72                               | 14669        | Federal Farm Credit Bank    | 4,986,252.70         | 5,000,000.00         | 4,981,850.00         | 4.500        | 4.600        | 07/27/26      | 1,122            | AAA            |
| 3133EPGG4                               | 14686        | Federal Farm Credit Bank    | 4,959,200.84         | 5,000,000.00         | 4,881,200.00         | 4.000        | 4.102        | 04/20/33      | 3,581            | AAA            |
| 3133EPGS8                               | 14687        | Federal Farm Credit Bank    | 4,995,367.72         | 5,000,000.00         | 4,935,650.00         | 4.250        | 4.300        | 07/24/25      | 754              | AAA            |
| 3130ATDK0                               | 14661        | Federal Home Loan Banks     | 4,997,678.67         | 5,000,000.00         | 4,967,300.00         | 3.875        | 3.989        | 12/08/23      | 160              | AAA            |
|                                         |              | <b>Subtotal and Average</b> | <b>39,549,167.07</b> | <b>40,000,000.00</b> | <b>39,366,100.00</b> |              | <b>4.279</b> |               | <b>1,505</b>     |                |
| <b>Medium-Term Notes - Callable</b>     |              |                             |                      |                      |                      |              |              |               |                  |                |
| 05531FBF9                               | 14561        | BB&T Corporation            | 5,014,698.60         | 5,000,000.00         | 4,951,600.00         | 3.750        | 3.012        | 12/06/23      | 158              | A3             |
| 22553PWD7                               | 14652        | Credit Suisse AG            | 5,000,000.00         | 5,000,000.00         | 4,561,000.00         | 4.050        | 4.050        | 05/25/25      | 694              | A3             |
| 22553PXJ3                               | 14655        | Credit Suisse AG            | 5,000,000.00         | 5,000,000.00         | 4,442,050.00         | 5.000        | 5.001        | 05/31/32      | 3,257            | A3             |



**City of Berkeley**  
**Pooled Cash and Investments**  
**As of June 30, 2023**

| CUSIP                                       | Investment # | Issuer                   | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|---------------------------------------------|--------------|--------------------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| 693475AV7                                   | 14557        | PNC Financial Services   | 5,003,287.82         | 5,000,000.00         | 4,937,050.00         | 3.500        | 3.425        | 01/23/24      | 206              | A3             |
| 751212AC5                                   | 14566        | Ralph Lauren             | 5,063,056.00         | 5,000,000.00         | 4,822,850.00         | 3.750        | 3.106        | 09/15/25      | 807              | A3             |
| 91159HHU7                                   | 14562        | US Bancorp               | 5,100,565.68         | 5,000,000.00         | 4,806,600.00         | 3.950        | 2.848        | 11/17/25      | 870              | A3             |
| 91159HHM5                                   | 14684        | US Bancorp               | 4,712,179.73         | 5,000,000.00         | 4,672,650.00         | 3.100        | 5.348        | 04/27/26      | 1,031            | A3             |
| <b>Subtotal and Average</b>                 |              |                          | <b>34,893,787.83</b> | <b>35,000,000.00</b> | <b>33,193,800.00</b> |              | <b>3.810</b> |               | <b>1,001</b>     |                |
| <b>Federal Agency Callable</b>              |              |                          |                      |                      |                      |              |              |               |                  |                |
| 3133EN6K1                                   | 14676        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,783,150.00         | 4.220        | 4.220        | 01/23/30      | 2,398            | AAA            |
| 3133EN6K1                                   | 14677        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,783,150.00         | 4.220        | 4.220        | 01/23/30      | 2,398            | AAA            |
| 3133EPAJ4                                   | 14679        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,890,650.00         | 4.000        | 4.000        | 02/09/33      | 3,511            | AAA            |
| 3130ARXL0                                   | 14649        | Federal Home Loan Banks  | 5,000,000.00         | 5,000,000.00         | 4,815,700.00         | 3.000        | 3.000        | 11/25/24      | 513              | AAA            |
| 3130ATH42                                   | 14665        | Federal Home Loan Banks  | 8,000,000.00         | 8,000,000.00         | 7,942,080.00         | 4.700        | 4.700        | 09/29/27      | 1,551            | AAA            |
| 3130AULM4                                   | 14678        | Federal Home Loan Banks  | 5,000,000.00         | 5,000,000.00         | 4,913,000.00         | 5.620        | 5.620        | 01/26/33      | 3,497            | AAA            |
|                                             |              |                          | <b>33,000,000.00</b> | <b>33,000,000.00</b> | <b>32,127,730.00</b> |              | <b>4.330</b> |               | <b>2,242</b>     |                |
| <b>Federal Agency Continuously Callable</b> |              |                          |                      |                      |                      |              |              |               |                  |                |
| 31422XJW3                                   | 14638        | Farmer Mac               | 10,000,000.00        | 10,000,000.00        | 9,160,500.00         | 1.500        | 0.300        | 07/20/26      | 1,115            | AAA            |
| 31422XZ47                                   | 14681        | Farmer Mac               | 5,000,000.00         | 5,000,000.00         | 4,927,650.00         | 5.675        | 5.675        | 03/20/30      | 2,454            | AAA            |
| 3133ENUV0                                   | 14644        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,639,000.00         | 4.000        | 4.000        | 04/19/32      | 3,215            | AAA            |
| 3133ENVV9                                   | 14647        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,794,200.00         | 3.630        | 3.630        | 05/03/27      | 1,402            | AAA            |
| 3133ENWW6                                   | 14653        | Federal Farm Credit Bank | 4,995,109.07         | 5,000,000.00         | 4,712,250.00         | 4.370        | 4.384        | 05/17/32      | 3,243            | AAA            |
| 3133EN5C0                                   | 14675        | Federal Farm Credit Bank | 4,994,506.02         | 5,000,000.00         | 4,897,850.00         | 5.370        | 5.394        | 12/27/28      | 2,006            | AAA            |
| 3133EPEK7                                   | 14682        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,890,450.00         | 4.620        | 4.620        | 04/03/25      | 642              | AAA            |
| 3130AMAV4                                   | 14611        | Federal Home Loan Banks  | 5,600,000.00         | 5,600,000.00         | 4,967,704.00         | 1.250        | 1.125        | 04/29/27      | 1,398            | AAA            |
| 3130ALZA5                                   | 14612        | Federal Home Loan Banks  | 9,000,000.00         | 9,000,000.00         | 8,238,330.00         | 1.000        | 0.500        | 04/29/26      | 1,033            | AAA            |
| 3130AMEX6                                   | 14613        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,786,050.00        | 1.000        | 0.555        | 05/27/26      | 1,061            | AAA            |
| 3130AMF72                                   | 14615        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,614,150.00        | 1.300        | 1.040        | 05/27/26      | 1,061            | AAA            |
| 3130AMFQ0                                   | 14616        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,554,750.00        | 1.150        | 1.020        | 05/26/26      | 1,060            | AAA            |
| 3130AMFT4                                   | 14617        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,062,700.00         | 0.625        | 0.625        | 05/27/26      | 1,061            | AAA            |
| 3130AMG22                                   | 14618        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,211,000.00        | 0.900        | 0.500        | 05/27/26      | 1,061            | AAA            |
| 3130AMGG1                                   | 14619        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,148,800.00         | 0.600        | 0.600        | 05/26/26      | 1,060            | AAA            |
| 3130AMFN7                                   | 14620        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,161,900.00         | 0.750        | 0.500        | 05/26/26      | 1,060            | AAA            |
| 3130AMG55                                   | 14622        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 8,900,900.00         | 1.375        | 1.219        | 05/27/27      | 1,426            | AAA            |
| 3130AMG22                                   | 14624        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,105,500.00         | 0.900        | 0.500        | 05/27/26      | 1,061            | AAA            |
| 3130AMLS9                                   | 14627        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,133,900.00         | 1.000        | 0.875        | 06/17/26      | 1,082            | AAA            |
| 3130AMN24                                   | 14628        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,027,200.00         | 1.150        | 1.034        | 06/03/26      | 1,068            | AAA            |
| 3130AMN57                                   | 14629        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,037,200.00        | 1.100        | 1.013        | 06/03/26      | 1,068            | AAA            |
| 3130AMP71                                   | 14630        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,062,000.00        | 1.200        | 1.077        | 06/18/26      | 1,083            | AAA            |
| 3130AMPL0                                   | 14631        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,535,850.00        | 1.150        | 0.375        | 06/08/26      | 1,073            | AAA            |
| 3130AMMW9                                   | 14632        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,122,300.00         | 1.500        | 0.500        | 06/10/26      | 1,075            | AAA            |



**City of Berkeley**  
**Pooled Cash and Investments**  
**As of June 30, 2023**

| CUSIP                                | Investment # | Issuer                        | Book Value            | Par Value             | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|--------------------------------------|--------------|-------------------------------|-----------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|----------------|
| 3130AMWM0                            | 14634        | Federal Home Loan Banks       | 4,250,000.00          | 4,250,000.00          | 3,819,517.50          | 1.050        | 0.500        | 06/30/26      | 1,095            | AAA            |
| 3130AN5U0                            | 14642        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 9,124,500.00          | 0.875        | 0.500        | 07/29/26      | 1,124            | AAA            |
| 3130ANJY7                            | 14643        | Federal Home Loan Banks       | 40,000,000.00         | 40,000,000.00         | 35,740,000.00         | 1.000        | 0.400        | 08/26/26      | 1,152            | AAA            |
| 3130ARTE1                            | 14645        | Federal Home Loan Banks       | 6,425,000.00          | 6,425,000.00          | 5,988,871.00          | 4.100        | 4.100        | 04/26/32      | 3,222            | AAA            |
| 3130ARX71                            | 14648        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,802,450.00          | 3.000        | 3.000        | 05/23/25      | 692              | AAA            |
| 3130ARYA3                            | 14651        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,833,050.00          | 4.000        | 4.000        | 05/26/27      | 1,425            | AAA            |
| 3130AS7K9                            | 14654        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,699,850.00          | 4.440        | 4.440        | 05/26/32      | 3,252            | AAA            |
| 3130ASGF0                            | 14656        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,882,300.00          | 4.000        | 4.000        | 06/30/25      | 730              | AAA            |
| 3130ATDV6                            | 14662        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,918,150.00          | 5.000        | 5.000        | 09/30/27      | 1,552            | AAA            |
| 3134GXRS5                            | 14646        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,794,200.00          | 3.100        | 3.100        | 04/29/25      | 668              | AAA            |
| 3134GXC28                            | 14657        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,869,800.00          | 4.100        | 4.100        | 07/18/25      | 748              | AAA            |
| 3134GXC36                            | 14658        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,894,250.00          | 4.000        | 4.000        | 12/30/24      | 548              | AAA            |
| 3134GYPL0                            | 14685        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,938,350.00          | 5.250        | 5.251        | 05/01/28      | 1,766            | AAA            |
|                                      |              |                               | <b>360,264,615.09</b> | <b>360,275,000.00</b> | <b>330,997,422.50</b> |              | <b>1.503</b> |               | <b>1,248</b>     |                |
| <b>Continuous Callable Bonds</b>     |              |                               |                       |                       |                       |              |              |               |                  |                |
| 06051GLG2                            | 14688        | Bank of America Corporation   | 1,000,000.00          | 1,000,000.00          | 989,070.00            | 5.202        | 5.202        | 04/25/29      | 2,125            | A1             |
|                                      |              | <b>Subtotal and Average</b>   | <b>1,000,000.00</b>   | <b>1,000,000.00</b>   | <b>989,070.00</b>     |              | <b>5.202</b> |               | <b>2,125</b>     |                |
| <b>Municipal Bonds</b>               |              |                               |                       |                       |                       |              |              |               |                  |                |
| 13063DGB8                            | 14559        | General Obligation Unlimited  | 5,025,690.28          | 5,000,000.00          | 4,837,200.00          | 3.375        | 3.087        | 04/01/25      | 640              | AA2            |
|                                      |              | <b>Subtotal and Average</b>   | <b>5,025,690.28</b>   | <b>5,000,000.00</b>   | <b>4,837,200.00</b>   |              | <b>3.087</b> |               | <b>640</b>       |                |
| <b>Total Investments and Average</b> |              |                               | <b>561,955,218.72</b> | <b>561,413,000.00</b> | <b>526,781,913.33</b> |              | <b>2.349</b> |               | <b>1,286</b>     |                |

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| <b>Total Investments (Book Value)</b>                      | <b>561,955,218.72</b>  |
| <b>Cash</b>                                                | <b>185,547,381.00</b>  |
| <b>Total Investments (Book Value) and Cash</b>             | <b>747,502,599.72</b>  |
| <b>Increase / (Decrease) in Market Value of Securities</b> | <b>(35,173,305.39)</b> |
| <b>Total Investments (Market Value) and Cash</b>           | <b>712,329,294.33</b>  |

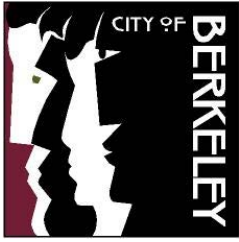




**Pooled Investments Selected Funds  
Interest Earnings  
April 1, 2023 - April 30, 2023**

Exhibit 2-B.1

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| 375558BF9                                  | 14570        | 010  | MTN             | 5,000,000.00          | 5,069,441.29          | 5,068,416.21          | 03/01/2026    | 3.650        | 3.174            | 15,208.33                  | -1,984.03               | 13,224.30                  |
| 233851CU6                                  | 14571        | 010  | MTN             | 5,000,000.00          | 5,043,123.77          | 5,042,630.47          | 01/06/2027    | 3.450        | 3.238            | 14,375.00                  | -954.77                 | 13,420.23                  |
| 233851CU6                                  | 14574        | 010  | MTN             | 3,725,000.00          | 3,781,085.26          | 3,780,443.69          | 01/06/2027    | 3.450        | 3.047            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 008252AM0                                  | 14582        | 010  | MTN             | 1,000,000.00          | 1,016,092.67          | 1,015,298.28          | 02/15/2024    | 4.250        | 2.402            | 3,541.67                   | -1,537.52               | 2,004.15                   |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,235,944.65          | 5,233,107.45          | 10/30/2026    | 3.800        | 2.404            | 15,833.33                  | -5,491.35               | 10,341.98                  |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,967,960.38          | 5,967,527.43          | 01/14/2025    | 2.500        | 2.356            | 12,395.83                  | -837.96                 | 11,557.87                  |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,938,349.01          | 4,939,835.15          | 01/14/2025    | 2.500        | 3.274            | 10,416.67                  | 2,876.41                | 13,293.08                  |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,998,239.08          | 4,998,289.63          | 10/01/2024    | 3.375        | 3.447            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 4.906            | 20,161.29                  | 0.00                    | 20,161.29                  |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 4.106            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN             | 5,000,000.00          | 4,877,033.94          | 4,879,286.87          | 08/07/2025    | 3.000        | 4.204            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN             | 5,000,000.00          | 4,832,249.22          | 4,833,901.15          | 08/15/2027    | 3.500        | 4.475            | 14,583.33                  | 3,197.28                | 17,780.61                  |
| 24422MTW1                                  | 14683        | 010  | ACP             | 10,000,000.00         | 0.00                  | 8,250,666.67          | 06/30/2023    | 4.960        | 5.079            | 0.00                       | 34,444.44               | 34,444.44                  |
|                                            |              |      | <b>Subtotal</b> | <b>580,913,000.00</b> | <b>550,842,455.69</b> | <b>569,907,873.96</b> |               |              | <b>2.511</b>     | <b>1,150,573.52</b>        | <b>25,465.86</b>        | <b>1,176,039.38</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP             | 14,206,591.02         | 14,150,965.72         | 14,152,819.90         |               | 0.002        | 4.782            | 55,625.30                  | 0.00                    | 55,625.30                  |
|                                            |              |      | <b>Subtotal</b> | <b>14,206,591.02</b>  | <b>14,150,965.72</b>  | <b>14,152,819.90</b>  |               |              | <b>4.782</b>     | <b>55,625.30</b>           | <b>0.00</b>             | <b>55,625.30</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP             | 156,337,356.37        | 123,908,897.44        | 135,519,846.07        |               | 0.003        | 4.744            | 528,458.93                 | 0.00                    | 528,458.93                 |
|                                            |              |      | <b>Subtotal</b> | <b>156,337,356.37</b> | <b>123,908,897.44</b> | <b>135,519,846.07</b> |               |              | <b>4.744</b>     | <b>528,458.93</b>          | <b>0.00</b>             | <b>528,458.93</b>          |
|                                            |              |      | <b>Total</b>    | <b>751,456,947.39</b> | <b>688,902,318.85</b> | <b>719,580,539.93</b> |               |              | <b>2.976</b>     | <b>1,734,657.75</b>        | <b>25,465.86</b>        | <b>1,760,123.61</b>        |



Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
May 1, 2023 - May 31, 2023
Yield on Average Book Value

Table with columns: CUSIP, Investment #, Fund, Security Type, Ending Par Value, Beginning Book Value, Average Book Value, Maturity Date, Current Rate, Annualized Yield, Interest Earned, Amortization/Accretion, Adjusted Interest Earnings. Includes a sub-section for 'Fund: Pooled Investment - Long Term'.





**Pooled Investments Selected Funds  
Interest Earnings  
May 1, 2023 - May 31, 2023**

**Exhibit 2-B.2**

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| 751212AC5                                  | 14566        | 010  | MC3             | 5,000,000.00          | 5,067,820.94          | 5,066,552.85          | 09/15/2025    | 3.750        | 3.077            | 15,625.00                  | -2,382.47               | 13,242.53                  |
| 375558BF9                                  | 14570        | 010  | MTN             | 5,000,000.00          | 5,067,457.26          | 5,066,401.24          | 03/01/2026    | 3.650        | 3.073            | 15,208.33                  | -1,984.04               | 13,224.29                  |
| 233851CU6                                  | 14571        | 010  | MTN             | 5,000,000.00          | 5,042,169.00          | 5,041,660.82          | 01/06/2027    | 3.450        | 3.134            | 14,375.00                  | -954.77                 | 13,420.23                  |
| 233851CU6                                  | 14574        | 010  | MTN             | 3,725,000.00          | 3,779,843.52          | 3,779,182.59          | 01/06/2027    | 3.450        | 2.950            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 008252AM0                                  | 14582        | 010  | MTN             | 1,000,000.00          | 1,014,555.15          | 1,013,736.80          | 02/15/2024    | 4.250        | 2.328            | 3,541.67                   | -1,537.52               | 2,004.15                   |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,230,453.30          | 5,227,536.40          | 10/30/2026    | 3.800        | 2.329            | 15,833.33                  | -5,491.34               | 10,341.99                  |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,967,122.42          | 5,966,676.40          | 01/14/2025    | 2.500        | 2.281            | 12,395.83                  | -837.97                 | 11,557.86                  |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,941,225.42          | 4,942,756.41          | 01/14/2025    | 2.500        | 3.167            | 10,416.67                  | 2,876.40                | 13,293.07                  |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,998,336.91          | 4,998,388.98          | 10/01/2024    | 3.375        | 3.336            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 4.911            | 20,855.73                  | 0.00                    | 20,855.73                  |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 3.974            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN             | 5,000,000.00          | 4,881,394.44          | 4,883,715.35          | 08/07/2025    | 3.000        | 4.065            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN             | 5,000,000.00          | 4,835,446.50          | 4,837,148.28          | 08/15/2027    | 3.500        | 4.328            | 14,583.33                  | 3,197.28                | 17,780.61                  |
| 24422MTW1                                  | 14683        | 010  | ACP             | 10,000,000.00         | 9,917,333.33          | 9,939,377.78          | 06/30/2023    | 4.960        | 5.060            | 0.00                       | 42,711.11               | 42,711.11                  |
|                                            |              |      | <b>Subtotal</b> | <b>570,913,000.00</b> | <b>581,393,940.44</b> | <b>574,153,067.90</b> |               |              | <b>2.501</b>     | <b>1,187,002.65</b>        | <b>32,773.86</b>        | <b>1,219,776.51</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP             | 14,266,684.81         | 14,206,591.02         | 14,210,468.04         |               | 0.002        | 4.979            | 60,093.79                  | 0.00                    | 60,093.79                  |
|                                            |              |      | <b>Subtotal</b> | <b>14,266,684.81</b>  | <b>14,206,591.02</b>  | <b>14,210,468.04</b>  |               |              | <b>4.979</b>     | <b>60,093.79</b>           | <b>0.00</b>             | <b>60,093.79</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP             | 152,781,469.53        | 156,337,356.37        | 152,158,134.21        |               | 0.003        | 4.984            | 644,113.16                 | 0.00                    | 644,113.16                 |
|                                            |              |      | <b>Subtotal</b> | <b>152,781,469.53</b> | <b>156,337,356.37</b> | <b>152,158,134.21</b> |               |              | <b>4.984</b>     | <b>644,113.16</b>          | <b>0.00</b>             | <b>644,113.16</b>          |
|                                            |              |      | <b>Total</b>    | <b>737,961,154.34</b> | <b>751,937,887.83</b> | <b>740,521,670.16</b> |               |              | <b>3.059</b>     | <b>1,891,209.60</b>        | <b>32,773.86</b>        | <b>1,923,983.46</b>        |



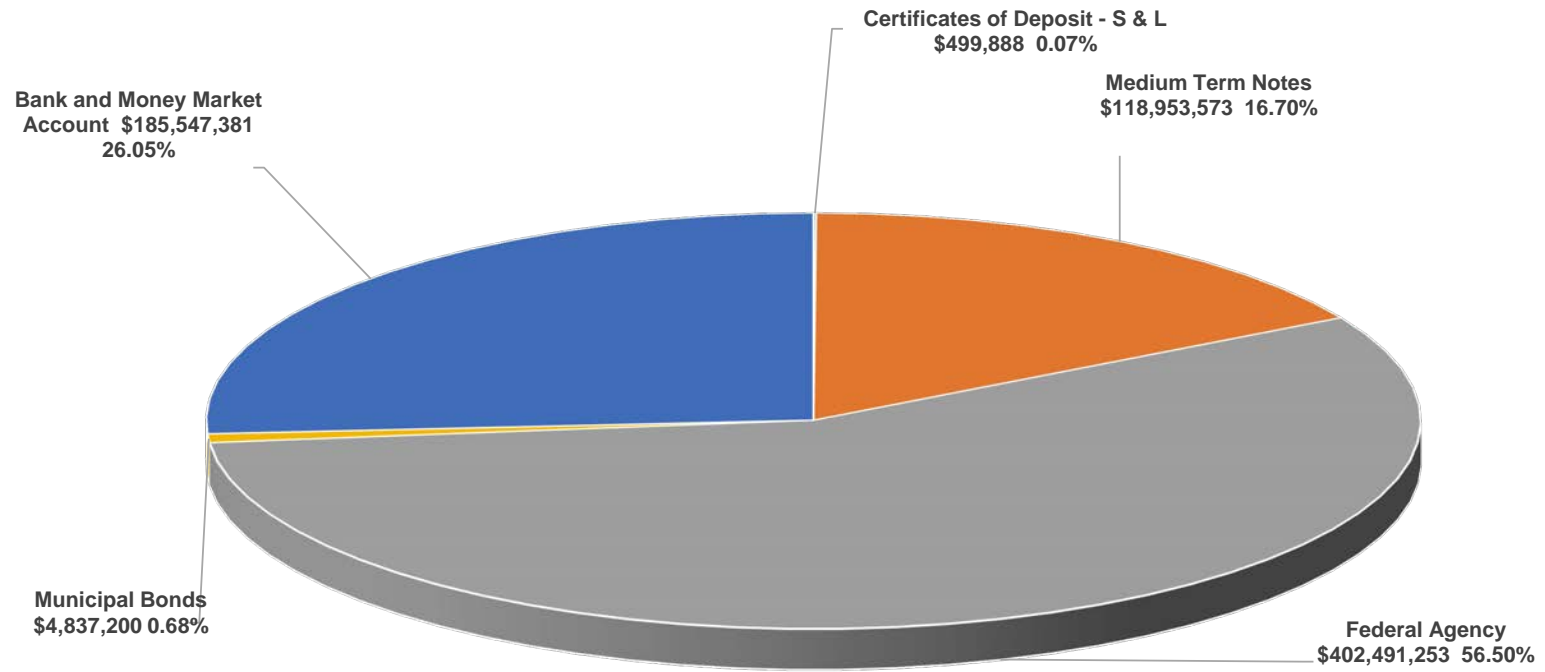


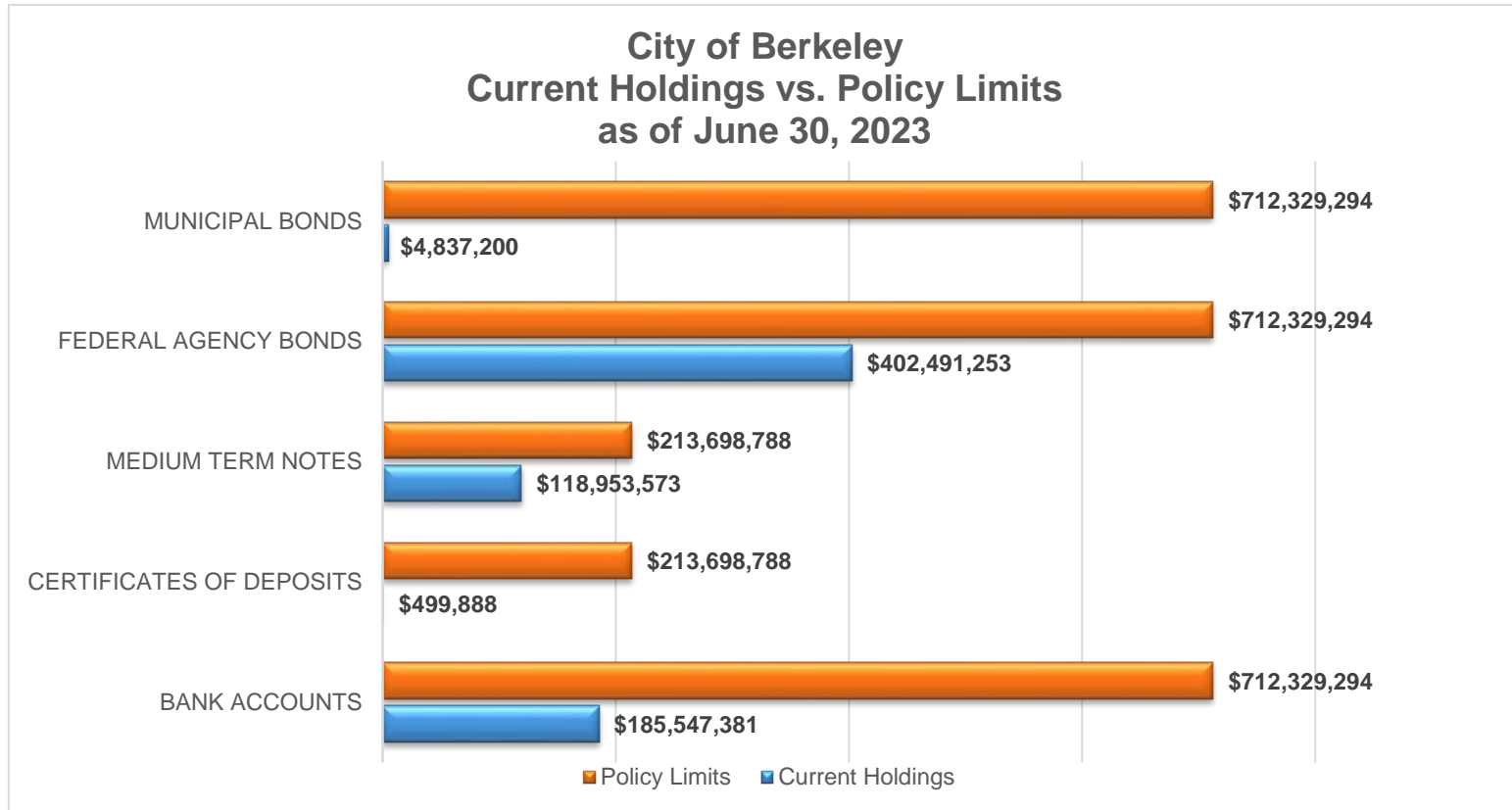
**Pooled Investments Selected Funds  
Interest Earnings  
June 1, 2023 - June 30, 2023**

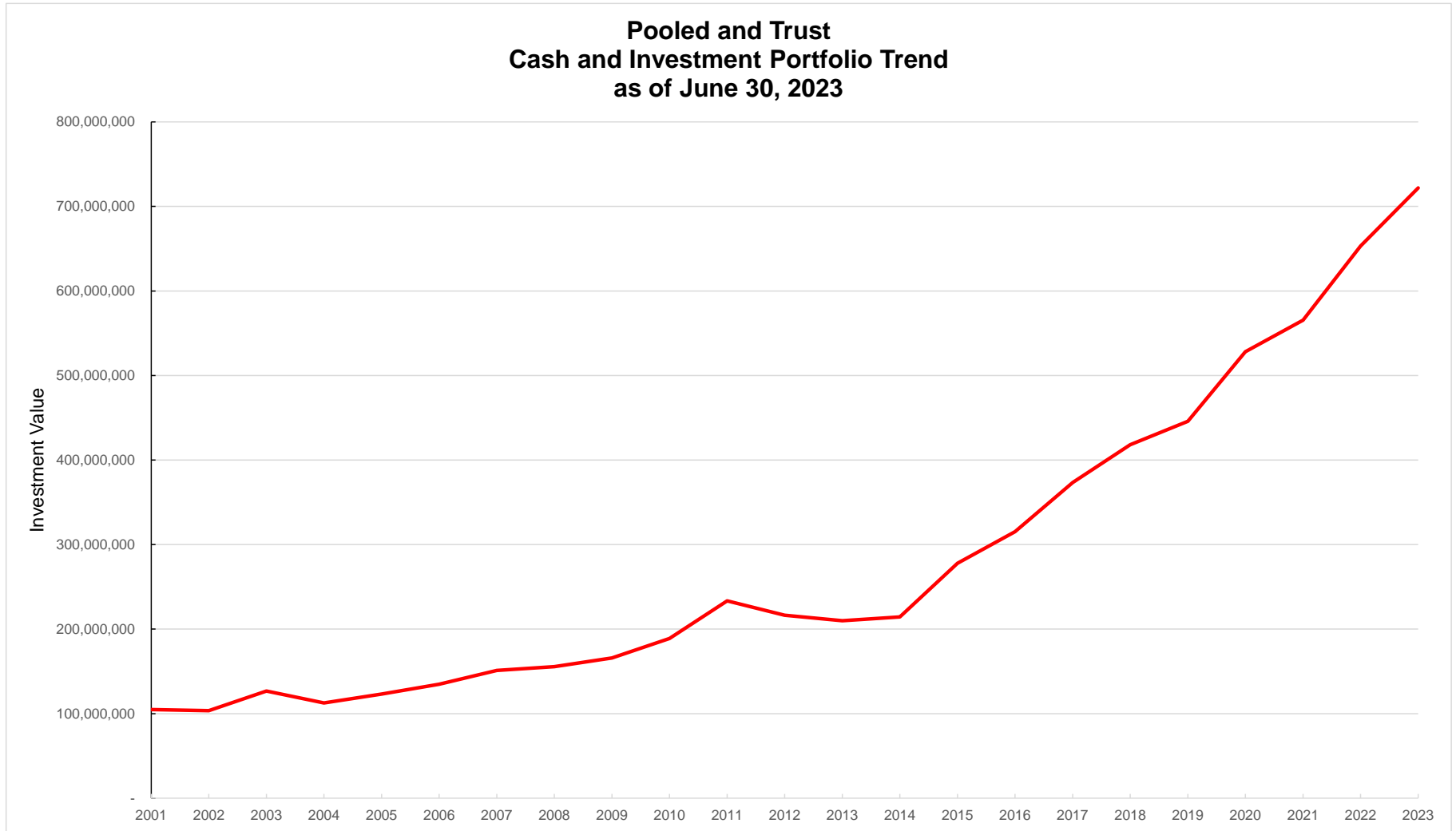
Exhibit 2-B.3

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| 233851CU6                                  | 14574        | 010  | MTN           | 3,725,000.00          | 3,778,601.78          | 3,777,960.21          | 01/06/2027    | 3.450        | 3.049            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 008252AM0                                  | 14582        | 010  | MTN           | 1,000,000.00          | 1,013,017.63          | 1,012,223.25          | 02/15/2024    | 4.250        | 2.409            | 3,541.67                   | -1,537.51               | 2,004.16                   |
| 07330MAA5                                  | 14588        | 010  | MTN           | 5,000,000.00          | 5,224,961.96          | 5,222,124.77          | 10/30/2026    | 3.800        | 2.410            | 15,833.33                  | -5,491.34               | 10,341.99                  |
| 04685A2L4                                  | 14590        | 010  | MTN           | 5,950,000.00          | 5,966,284.45          | 5,965,851.50          | 01/14/2025    | 2.500        | 2.357            | 12,395.83                  | -837.96                 | 11,557.87                  |
| 04685A2L4                                  | 14602        | 010  | MTN           | 5,000,000.00          | 4,944,101.82          | 4,945,587.97          | 01/14/2025    | 2.500        | 3.270            | 10,416.67                  | 2,876.41                | 13,293.08                  |
| 828807CS4                                  | 14606        | 010  | MTN           | 5,000,000.00          | 4,998,434.74          | 4,998,485.28          | 10/01/2024    | 3.375        | 3.447            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 5.069            | 20,833.33                  | 0.00                    | 20,833.33                  |
| 22553PWD7                                  | 14652        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 4.106            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN           | 5,000,000.00          | 4,885,754.94          | 4,888,007.87          | 08/07/2025    | 3.000        | 4.197            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN           | 5,000,000.00          | 4,838,643.78          | 4,840,295.71          | 08/15/2027    | 3.500        | 4.469            | 14,583.33                  | 3,197.29                | 17,780.62                  |
| 24422MTW1                                  | 14683        | 010  | ACP           | 0.00                  | 9,960,044.44          | 9,648,020.74          | 06/30/2023    | 4.960        | 5.039            | 0.00                       | 39,955.56               | 39,955.56                  |
| <b>Subtotal</b>                            |              |      |               | <b>560,913,000.00</b> | <b>571,426,714.30</b> | <b>571,108,774.17</b> |               |              | <b>2.609</b>     | <b>1,196,246.91</b>        | <b>28,504.42</b>        | <b>1,224,751.33</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP           | 14,325,562.18         | 14,266,684.81         | 14,268,647.39         |               | 0.002        | 5.020            | 58,877.37                  | 0.00                    | 58,877.37                  |
| <b>Subtotal</b>                            |              |      |               | <b>14,325,562.18</b>  | <b>14,266,684.81</b>  | <b>14,268,647.39</b>  |               |              | <b>5.020</b>     | <b>58,877.37</b>           | <b>0.00</b>             | <b>58,877.37</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP           | 150,205,822.59        | 152,781,469.53        | 151,202,281.30        |               | 0.003        | 5.024            | 624,353.06                 | 0.00                    | 624,353.06                 |
| <b>Subtotal</b>                            |              |      |               | <b>150,205,822.59</b> | <b>152,781,469.53</b> | <b>151,202,281.30</b> |               |              | <b>5.024</b>     | <b>624,353.06</b>          | <b>0.00</b>             | <b>624,353.06</b>          |
| <b>Total</b>                               |              |      |               | <b>725,444,384.77</b> | <b>738,474,868.64</b> | <b>736,579,702.86</b> |               |              | <b>3.152</b>     | <b>1,879,477.34</b>        | <b>28,504.42</b>        | <b>1,907,981.76</b>        |

**Pooled Cash and Investments  
(Market Value)  
as of June 30, 2023**











**Summary of Pooled Cash and Investments - Trust Funds**  
**(Market Value)**  
**As of June 30, 2023**

|                                         |                                       | <u>Pooled Cash</u>  | <u>Investments<br/>(Book Value)</u> | <u>Gain/Loss on<br/>Investments</u> | <u>Pooled Cash<br/>&amp; Investments<br/>(Market Value)</u> |
|-----------------------------------------|---------------------------------------|---------------------|-------------------------------------|-------------------------------------|-------------------------------------------------------------|
| <b>Retiree Medical Trust Fund</b>       |                                       |                     |                                     |                                     |                                                             |
| <b>Fund No.</b>                         |                                       |                     |                                     |                                     |                                                             |
| 721                                     | BHA                                   | \$ 178,283          | 424,516                             | 29,402                              | \$ 632,201                                                  |
| 722                                     | M1=IBEW                               | (86,223)            | 93,378                              | (3,787)                             | 3,369                                                       |
| 723                                     | M2=Local 1                            | 3,388,159           | 8,282,827                           | 50,285                              | 11,721,271                                                  |
| 724                                     | MUI=Z1                                | 410,863             | 1,643,393                           | (148,971)                           | 1,905,285                                                   |
| 725                                     | MUI=Z2 to Z6                          | 773,556             | 2,263,191                           | (108,435)                           | 2,928,312                                                   |
| 726                                     | M535= Local 535                       | 2,899,953           | 8,011,327                           | (453,106)                           | 10,458,174                                                  |
| 727                                     | M3=Local 790                          | 1,801,475           | 5,023,423                           | (90,312)                            | 6,734,587                                                   |
| <b>Total Retiree Medical Trust Fund</b> |                                       | <b>9,366,066</b>    | <b>25,742,055</b>                   | <b>(724,924)</b>                    | <b>34,383,198</b>                                           |
| <b>Fire Medical Trust Fund</b>          |                                       |                     |                                     |                                     |                                                             |
| 736                                     | Fire Medical Trust Fund               | (273,254)           | 13,838,343                          | (612,957)                           | 12,952,132                                                  |
| <b>Total Fire Medical Trust Fund</b>    |                                       | <b>(273,254)</b>    | <b>13,838,343</b>                   | <b>(612,957)</b>                    | <b>12,952,132</b>                                           |
| <b>Police Medical Trust Fund</b>        |                                       |                     |                                     |                                     |                                                             |
| 731                                     | Police EE Retiree HLT Assistance Plan | 212,004             | 2,370,878                           | (164,345)                           | 2,418,537                                                   |
| 701                                     | Safety Members Pension Fund           | -                   | -                                   | -                                   | -                                                           |
| 706                                     | Police Medical Trust Fund             | 169,914             | 4,341,594                           | (252,402)                           | 4,259,105                                                   |
| <b>Total Police Medical Trust Fund</b>  |                                       | <b>381,918</b>      | <b>6,712,472</b>                    | <b>(416,748)</b>                    | <b>6,677,642</b>                                            |
| <b>Total Trust Funds</b>                |                                       | <b>\$ 9,474,730</b> | <b>\$ 46,292,870</b>                | <b>\$ (1,754,628)</b>               | <b>\$ 54,012,972</b>                                        |



**Retiree Medical Trust Fund  
Fund 721 - 727  
Interest Earnings  
April 01 to June 30, 2023**

| Investments<br>As of June 30, 2023      |              |                          |                      |                         |                         |                         |               | Interest Earnings<br>April 01 to June 30, 2023 |                            |                  |                      |                         |                            |
|-----------------------------------------|--------------|--------------------------|----------------------|-------------------------|-------------------------|-------------------------|---------------|------------------------------------------------|----------------------------|------------------|----------------------|-------------------------|----------------------------|
| CUSIP                                   | Investment # | Issuer                   | Par Value            | Beginning Book Value    | Ending Book Value       | Market Value            | Maturity Date | Moody's Rating                                 | Adjusted Interest Earnings |                  |                      |                         |                            |
|                                         |              |                          |                      |                         |                         |                         |               |                                                | Current Rate               | Annualized Yield | Interest Earned      | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Federal Agency Coupon Securities</b> |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| 3133EFQT7                               | 14361        | Fed Farm Credit Bank     | 2,600,000.00         | 2,604,820.55            | 2,604,365.78            | 2,459,730.00            | 11/25/2025    | AAA                                            | 2.700                      | 2.633            | 17,550.00            | (454.77)                | 17,095.23                  |
| <b>Medium Term Notes - Callable</b>     |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| 665859AX2                               | 14671        | Northern Trust Corp      | 10,000,000.00        | 10,016,323.59           | 10,015,897.89           | 10,367,400.00           | 11/02/2032    | A2                                             | 6.125                      | 6.115            | 153,125.00           | (425.70)                | 152,699.30                 |
| <b>Continous Callable Bonds</b>         |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| 797440CD4                               | 14680        | San Diego Gas & Electric | 2,000,000.00         | 1,979,000.83            | 1,979,175.82            | 1,983,700.00            | 04/01/2053    | A1                                             | 5.350                      | 5.457            | 26,750.00            | 174.99                  | 26,924.99                  |
| <b>Municipal Bonds</b>                  |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| 786091AG3                               | 14316        | SACGEN                   | 5,000,000.00         | 5,126,082.68            | 5,112,573.82            | 5,137,600.00            | 08/01/2025    | A1                                             | 7.250                      | 6.042            | 90,625.00            | (13,508.86)             | 77,116.14                  |
| <b>Savo Island Loan</b>                 |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| SYS10988                                | 10988        | EMPMED                   | 150,000.00           | 150,000.00              | 150,000.00              | 150,000.00              | 09/01/2025    | N/A                                            | 8.000                      | 7.948            | 2,972.35             | -                       | 2,972.35                   |
| <b>Preferred Securities</b>             |              |                          |                      |                         |                         |                         |               |                                                |                            |                  |                      |                         |                            |
| 00206R706                               | 14591        | AT&T Inc.                | 1,680,033.60         | 1,680,033.60            | 1,680,033.60            | 1,405,361.44            | N/A           | N/A                                            | 4.596                      | 4.728            | 19,801.73            | -                       | 19,801.73                  |
| 00206R706                               | 14596        | AT&T Inc.                | 1,680,008.40         | 1,680,008.40            | 1,680,008.40            | 1,405,340.36            | N/A           | N/A                                            | 4.640                      | 4.728            | 19,801.44            | -                       | 19,801.44                  |
| 00206R706                               | 14597        | AT&T Inc.                | 2,520,000.00         | 2,520,000.00            | 2,520,000.00            | 2,108,000.00            | N/A           | N/A                                            | 4.643                      | 4.728            | 29,702.00            | -                       | 29,702.00                  |
| <b>Total</b>                            |              |                          | <b>25,630,042.00</b> | <b>\$ 25,756,269.65</b> | <b>\$ 25,742,055.31</b> | <b>\$ 25,017,131.80</b> |               |                                                |                            | <b>5.391</b>     | <b>\$ 360,327.52</b> | <b>\$ (14,214.34)</b>   | <b>\$ 346,113.18</b>       |

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| Total Investments (Book Value)                      | \$ 25,742,055.31        |
| Gain/Loss on Investments                            | <u>(724,923.51)</u>     |
| Total Investments (Market Value)                    | 25,017,131.80           |
| Temporarily Invested with Pooled Cash & Investments | <u>9,366,066.00</u>     |
| Total Pooled Cash and Investments                   | <u>\$ 34,383,197.80</u> |



**Fire Retiree Medical  
Fund 736  
Interest Earnings  
April 01 to June 30, 2023**

| Investments<br>As of June 30, 2023          |              |                            |                         |                         |                         |                         |               |                | Interest Earnings<br>April 01 to June 30, 2023 |                  |                            |                            |                            |                      |
|---------------------------------------------|--------------|----------------------------|-------------------------|-------------------------|-------------------------|-------------------------|---------------|----------------|------------------------------------------------|------------------|----------------------------|----------------------------|----------------------------|----------------------|
| CUSIP                                       | Investment # | Issuer                     | Par Value               | Beginning Book Value    | Ending Book Value       | Market Value            | Maturity Date | Moody's Rating | Current Rate                                   | Annualized Yield | Adjusted Interest Earnings |                            |                            |                      |
|                                             |              |                            |                         |                         |                         |                         |               |                |                                                |                  | Interest Earned            | Amortization/<br>Accretion | Adjusted Interest Earnings |                      |
| <b>Medium Term Notes</b>                    |              |                            |                         |                         |                         |                         |               |                |                                                |                  |                            |                            |                            |                      |
| 6174467X1                                   | 14318        | Morgan Stanley DW DTC#0015 | 2,000,000.00            | 2,020,435.79            | 2,018,505.87            | 1,966,140.00            | 11/24/2025    | BAA1           | 5.000                                          | 4.582            | 25,000.00                  | (1,929.92)                 | 23,070.08                  |                      |
| <b>Federal Agency Coupon Securities</b>     |              |                            |                         |                         |                         |                         |               |                |                                                |                  |                            |                            |                            |                      |
| 3133EFQT7                                   | 14362        | Fed Farm Credit Bank       | 2,300,000.00            | 2,304,264.34            | 2,303,862.04            | 2,175,915.00            | 11/25/2025    | AAA            | 2.700                                          | 2.633            | 15,525.00                  | (402.30)                   | 15,122.70                  |                      |
| <b>Federal Agency Continuously Callable</b> |              |                            |                         |                         |                         |                         |               |                |                                                |                  |                            |                            |                            |                      |
| 3130AUB78                                   | 14672        | Federal Home Loan Banks    | 4,000,000.00            | 4,000,000.00            | 4,000,000.00            | 3,980,760.00            | 12/28/2037    | AAA            | 6.230                                          | 6.247            | 62,300.00                  | -                          | 62,300.00                  |                      |
| 3130AUB86                                   | 14673        | Federal Home Loan Banks    | 2,996,000.00            | 2,996,000.00            | 2,996,000.00            | 2,994,591.88            | 12/29/2042    | AAA            | 6.540                                          | 6.558            | 48,984.60                  | -                          | 48,984.60                  |                      |
| <b>Preferred Securities</b>                 |              |                            |                         |                         |                         |                         |               |                |                                                |                  |                            |                            |                            |                      |
| 00206R706                                   | 14592        | AT&T Inc.                  | 1,679,983.20            | 1,679,983.20            | 1,679,983.20            | 1,405,319.28            | N/A           | N/A            | 4.596                                          | 4.728            | 19,801.14                  | -                          | 19,801.14                  |                      |
| 00206R706                                   | 14594        | AT&T Inc.                  | 839,991.60              | 839,991.60              | 839,991.60              | 702,659.64              | N/A           | N/A            | 4.640                                          | 4.728            | 9,900.57                   | -                          | 9,900.57                   |                      |
| <b>Total</b>                                |              |                            | <b>\$ 13,815,974.80</b> | <b>\$ 13,840,674.93</b> | <b>\$ 13,838,342.71</b> | <b>\$ 13,225,385.80</b> |               |                |                                                |                  | <b>5.193</b>               | <b>\$ 181,511.31</b>       | <b>\$ (2,332.22)</b>       | <b>\$ 179,179.09</b> |

|                                                     |                  |
|-----------------------------------------------------|------------------|
| Total Investments (Book Value)                      | \$ 13,838,342.71 |
| Gain/Loss on Investments                            | (612,956.91)     |
| Total Investments (Market Value)                    | 13,225,385.80    |
| Temporarily Invested with Pooled Cash & Investments | (273,254.00)     |
| Total Pooled Cash and Investments                   | \$ 12,952,131.80 |



**Police Retiree Medical  
Fund 731 and 706  
Interest Earnings  
April 01 to June 30, 2023**

| Investments<br>As of June 30, 2023          |              |                            |                               |                               |                               |                               |               |                | Interest Earnings<br>April 01 to June 30, 2023 |                  |                            |                            |                            |                            |
|---------------------------------------------|--------------|----------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------|----------------|------------------------------------------------|------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| CUSIP                                       | Investment # | Issuer                     | Par Value                     | Beginning Book Value          | Ending Book Value             | Market Value                  | Maturity Date | Moody's Rating | Current Rate                                   | Annualized Yield | Adjusted Interest Earnings |                            |                            |                            |
|                                             |              |                            |                               |                               |                               |                               |               |                |                                                |                  | Interest Earned            | Amortization/<br>Accretion | Adjusted Interest Earnings |                            |
| <b>Medium Term Notes</b>                    |              |                            |                               |                               |                               |                               |               |                |                                                |                  |                            |                            |                            |                            |
| 6174467X1                                   | 14319        | Morgan Stanley DW DTC#0015 | 500,000.00                    | 505,108.95                    | 504,626.47                    | 491,535.00                    | 11/24/25      | BAA1           | 5.000                                          | 4.582            | 6,250.00                   | (482.48)                   | 5,767.52                   |                            |
| <b>Federal Agency Coupon Securities</b>     |              |                            |                               |                               |                               |                               |               |                |                                                |                  |                            |                            |                            |                            |
| 3133EFQT7                                   | 14363        | Fed. Farm Credit Banks     | 2,300,000.00                  | 2,304,264.34                  | 2,303,862.04                  | 2,175,915.00                  | 11/25/25      | AAA            | 2.700                                          | 2.633            | 15,525.00                  | (402.30)                   | 15,122.70                  |                            |
| <b>Federal Agency Continuously Callable</b> |              |                            |                               |                               |                               |                               |               |                |                                                |                  |                            |                            |                            |                            |
| 3130AUB86                                   | 14674        | Federal Home Loan Banks    | 2,224,000.00                  | 2,224,000.00                  | 2,224,000.00                  | 2,222,954.72                  | 12/29/42      | AAA            | 6.540                                          | 6.558            | 36,362.40                  | -                          | 36,362.40                  |                            |
| <b>Preferred Securities</b>                 |              |                            |                               |                               |                               |                               |               |                |                                                |                  |                            |                            |                            |                            |
| 00206R706                                   | 14593        | AT&T Inc.                  | 1,679,983.20                  | 1,679,983.20                  | 1,679,983.20                  | 1,405,319.28                  | N/A           | N/A            | 4.596                                          | 4.728            | 19,801.14                  | -                          | 19,801.14                  |                            |
| <b>Total</b>                                |              |                            | <b><u>\$ 6,703,983.20</u></b> | <b><u>\$ 6,713,356.49</u></b> | <b><u>\$ 6,712,471.71</u></b> | <b><u>\$ 6,295,724.00</u></b> |               |                |                                                |                  | <b><u>4.604</u></b>        | <b><u>\$ 77,938.54</u></b> | <b><u>\$ (884.78)</u></b>  | <b><u>\$ 77,053.76</u></b> |

|                                                     |                               |
|-----------------------------------------------------|-------------------------------|
| Total Investments (Book Value)                      | \$ 6,712,471.71               |
| Gain/Loss on Investments                            | <u>(416,747.71)</u>           |
| Total Investments (Market Value)                    | 6,295,724.00                  |
| Temporarily Invested with Pooled Cash & Investments | <u>381,918.00</u>             |
| Total Pooled Cash and Investments                   | <b><u>\$ 6,677,642.00</u></b> |



Office of the City Manager

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: Section 115 Trust Investment Report for: Inception to Period Ended June 30, 2023

SUMMARY

In June 2018, the City Council approved the establishment of a Section 115 trust to help address pension obligations, with administration by the City Manager or their designee. Since May 2019, Keenan Financial Services has managed and invested this fund. This report provides an overview and analysis of the performance and current market conditions as it pertains to the City's Section 115 Trust investment portfolio. The trust consists of two distinct accounts: the Fixed Income Account and the Moderate Growth Account. These accounts encompass various asset classes, including fixed income mutual funds, domestic equities, international mutual funds, and alternative investment funds with a focus on real estate.

I. Fixed Income Account (#7590):

The Fixed Income Account predominantly comprises fixed income mutual funds. As of the latest available data, this portion of the portfolio has been performing steadily, slightly below market expectations for fixed income investments. It's important to note that fixed income investments are generally considered a lower-risk component of a portfolio, providing stability and consistent income.

II. Moderate Growth Account (#7600):

The Moderate Growth Account represents a diversified mix of asset classes, including domestic equities, international mutual funds, and alternative investment funds that focus on real estate.

As of June 30, 2023, the City Section 115 Trust Fund Investment Fund Activity for the period from September 30, 2020 to June 30, 2023 is summarized in Table 1 and Table 2 below on a market value basis. Before considering the change in market value, the City's

Section 115 Investment Report: FY2023 4th Qtr  
 Ended June 30, 2023

INFORMATION CALENDAR  
 DECEMBER 12, 2023

Section 115 Trust Fund earned 3.65%, 3.99%, and 4.17%, in FY2021, FY2022 and FY2023, respectively.

**Table 1. Investment Fund Activity Inception to June 30, 2023**

| Trust Fund                  | Pooled Cash  | Fixed Income Account | Moderate Growth Account | Total         |
|-----------------------------|--------------|----------------------|-------------------------|---------------|
| Beginning Value (9.30.2020) | \$ -         | \$ 6,356,407         | \$ 4,278,393            | \$ 10,634,799 |
| Net Contributions           | (4,655,470)  | 2,793,282            | 1,862,188               | -             |
| CalPERS Savings             | 4,431,965    | -                    | -                       | 4,431,965     |
| Transfer from other funds   | 4,911,324    | -                    | -                       | 4,911,324     |
| Dividends                   | -            | 837,000              | 692,421                 | 1,529,421     |
| Change in Market Value      | -            | (1,619,671)          | (652,171)               | (2,271,842)   |
| Management Fees             | -            | (59,213)             | (43,124)                | (102,336)     |
| Ending Value (6.30.2023)    | \$ 4,687,819 | \$ 8,307,805         | \$ 6,137,707            | \$ 19,133,331 |

Inception to Date: 9/30/2020 - 6/30/2023

**Table 2. Investment Fund Activity By Fiscal Year**

|                                                         | FY 2021       | FY 2022       | FY 2023       |
|---------------------------------------------------------|---------------|---------------|---------------|
| Beginning Book Value                                    | \$ 10,634,799 | \$ 12,454,721 | \$ 16,540,906 |
| Contributions:                                          |               |               |               |
| a. Concil authorized transfers                          | 113,724       | 2,151,632     | 2,645,968     |
| b. Prepayment of CalPERS<br>Unfunded Liability discount | 1,318,502     | 1,479,360     | 1,634,103     |
| Dividends and Realized Gain/Loss                        | 412,481       | 490,659       | 626,281       |
| Management fees                                         | (24,785)      | (35,466)      | (42,085)      |
| Subtotal before marking<br>investments to market        | 12,454,721    | 16,540,906    | 21,405,174    |
| Change in Market Value                                  | 378,132       | (2,116,151)   | (2,271,842)   |
| Ending Balance - Market Value                           | \$ 12,832,853 | \$ 14,424,755 | \$ 19,133,331 |

### Discussion of Changes in Market Values

Generally accepted accounting principles requires that investments be marked-to-market. This term refers to a method under which the fair values of accounts (i.e., assets and liabilities) that are subject to periodic fluctuations can be measured. The goal is to provide time to time appraisals of the current financial position of a company or organization, by incorporating the prevailing market conditions.

In the tables above, there is a line for changes in market values, which is negative. That is because, in some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to

fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity. For this reason, Table 2 above shows the Section 115 Trust Fund balance before and after adding the changes in market value, so that management and the City Council can get a more realistic picture of how the Section 115 Trust Fund is performing.

The large decline in the market value of the total Section 115 Trust investments is almost exclusively due to the following rapid increases in interest rates by the Federal Reserve Board from a range of 0%-.25% to a current range of 5.25%-5.50%:

| DATE     | RATE CHANGE | FEDERAL FUNDS RATE |
|----------|-------------|--------------------|
| 03/17/22 | .25%        | .25%-.50%          |
| 05/05/22 | .50%        | .75%-1.00%         |
| 06/16/22 | .75%        | 1.50%-1.75%        |
| 07/27/22 | .75%        | 2.25%-2.50%        |
| 09/21/22 | .75%        | 3.00%-3.25%        |
| 11/02/22 | .75%        | 3.75%-4.00%        |
| 12/14/22 | .50%        | 4.25%-4.50%        |
| 02/01/23 | .25%        | 4.50%-4.75%        |
| 03/23/23 | .25%        | 4.75%-5.00%        |
| 05/03/23 | .25%        | 5.00%-5.25%        |
| 07/26/23 | .25%        | 5.25%-5.50%        |

As interest rates rise, bond prices fall, creating a decline in the market value of bond investments.

### **Investment Performance**

#### **A. Overview from Inception to June 30, 2023**

As of September 30, 2020, the Trust Fund reported a total balance of \$10,634,799, with \$6,356,407 allocated to the Fixed Income Account and \$4,278,393 allocated to the Moderate Growth Account.

- Fixed Income Account: During FY2021, the Fixed Income Account earned \$127,368, resulting in a yield of 2.00% during its initial year. Subsequently, from July 1, 2021, to June 30, 2022, the Fixed Income Account experienced a temporary downturn, reporting earnings of -\$984,712, resulting in a yield of -15.22%. This period was marked by fluctuations in the fixed income market, largely due to the Federal Reserve raising interest rates aggressively, which clobbered bond prices, especially those for long-term bonds. However, from July 1, 2022, to June 30,

2023, the Fixed Income Account rebounded impressively, recording earnings of \$74,673, equating to a yield of 0.90%. This resurgence was influenced by higher-than-anticipated inflation and a robust global economy, particularly in the fourth quarter. These factors contributed to rising yields and narrowing credit spreads. This reaffirms our belief in the resurgence of bonds, as higher yields have the potential to generate positive returns even amid ongoing rate hikes and periods of heightened market volatility.

- **Moderate Growth Account:** The Moderate Growth Account, during FY2021, reported substantial earnings of \$663,245, resulting in a yield of 15.50%, reflecting its dynamic investment strategy. During the subsequent year, from July 1, 2021, to June 30, 2022, the Moderate Growth Account experienced a period of challenge, reporting earnings of -\$1,018,912, resulting in a yield of -20.66%. However, in the following year, from July 1, 2022, to June 30, 2023, the account displayed a strong recovery, generating earnings of \$395,917, resulting in a yield of 6.87%, signaling a return to a positive performance trend.

#### B. Rate of Returns by Account and Fiscal Year

1. **Account 7600 (39.6% Equities, 53.9% Fixed Income and 6.5% Alternatives):**  
As summarized in Table 3 below, in account 7600, the Section 115 fixed income portion of the portfolio outperformed the benchmark\* in FY 2021 (-1.13% versus -1.60%) and FY 2023 (.93% versus -.94%) and underperformed the benchmark in FY 2022 (-13.82% versus -10.35%). The equity portion of the portfolio underperformed the benchmark in FY 2021 (12.71% versus 15.25%), in FY 2022 (-26.55% versus -10.60%), and in FY 2023 (17.48% versus 19.59%).

**Table 3. Account 7600 Rate of Return by Fiscal Year and Asset Allocation**

|               | FY2021 | FY2021<br>Benchmark | FY2022  | FY2022<br>Benchmark | FY2023 | FY2023<br>Benchmark |
|---------------|--------|---------------------|---------|---------------------|--------|---------------------|
| Fixed Income  | -1.13% | -1.60%              | -13.82% | -10.35%             | .93%   | -.94%               |
| Equities      | 12.71% | 15.25%              | -26.55% | -10.60%             | 17.48% | 19.59%              |
| Alternatives  | 19.83% | N/A                 | -8.21%  | N/A                 | -2.39% | N/A                 |
| Total Account | 15.50% |                     | -20.66% |                     | 6.87%  |                     |

Benchmark: S&P 500 Total Return Index

2. **Account 7590 (100% Fixed Income):**

As summarized in Table 4 below, Account 7590 underperformed the benchmark in FY 2022 (-15.22% versus -10.30%) and outperformed the benchmark in FY 2021 (2.00% versus -.94%) and FY 2023 (.90% versus -.94%).



**Table 4. Account 7590 Rate of Return by FY and Asset Allocation**

|               | FY 2021 | FY2021<br>Benchmark | FY 2022 | FY2022<br>Benchmark | FY 2023 | FY2023<br>Benchmark |
|---------------|---------|---------------------|---------|---------------------|---------|---------------------|
| Fixed Income  | 2.00%   | -.94%               | -15.22% | -10.30%             | .90%    | -.94%               |
| Total Account | 2.00%   |                     | -15.22% |                     | .90%    |                     |

Benchmark: Bloomberg US Aggregate Bond Index

The yield of the Section 115 Trust Fund for the fiscal year ended June 30, 2023 compared to the fiscal year ended June 30, 2022, was as follows. As shown in Table 5 below, for FY2023, the fixed income account yielded a return of 0.90%, while the moderate growth account returned 6.87%. This represents an increase of 1,612 basis points from the 15.22% return in FY2022 for the fixed income account and an increase of 2,753 basis points from the -20.66% return in FY2022 for the moderate growth account.

**Table 5. Yield by Fiscal Year**

| For Fiscal Year Ended 6/30/2023 Compared to 6/30/2022 |           |           |
|-------------------------------------------------------|-----------|-----------|
| Trust Fund                                            | 6/30/2023 | 6/30/2022 |
| Fixed Income Account                                  | 0.90%     | -15.22%   |
| Moderate Growth Account                               | 6.87%     | -20.66%   |

### **Economic overview and Investment Outlook**

- **Fixed Income:** The fixed income outlook suggests a favorable environment with a receding U.S. recession risk and controlled inflation. However, longer-maturity government bonds face challenges due to valuations and tightening monetary policy. While uncertainties persist, employment remains strong, and the goods sector is showing signs of improvement, supported by capital expenditures and fiscal backing. Monetary policy may ease as inflation falls, potentially benefiting shorter-maturity bonds. Credit markets have tightened, especially in investment-grade non-financials, while high-yield markets remain volatile. Selectivity is crucial in high-yield investments. Shorter maturity securitized credit is favored, particularly non-agency residential mortgages. Overall, fixed income presents attractive opportunities, with caution advised for longer-maturity bonds and a preference for shorter maturities and select credit investments.
- **Global Equity:** The sector picture has been a reversal of 2022, as the market has been led by the growthier sectors that suffered last year: consumer discretionary, communication services and, in particular, information technology, with the outpouring of euphoria around the promise of generative artificial intelligence (AI) offering a new lease on life for tech mega-caps after a tough 2022. June saw a more general cyclical recovery, but up until the end of May, the 'magnificent seven' or 'MANAMAT' (Meta, Apple, Nvidia, Amazon, Microsoft, Alphabet, Tesla), around

a quarter of the S&P 500 Index by weight, had effectively delivered all the U.S. index returns, with the other 493 constituents being slightly down overall.

Inflation rose to unacceptably high levels in 2022, causing the Federal Reserve Board to tighten monetary policy significantly to combat inflation. As a result, the Fed raised interest rates from a range of 0%-.25% in March 2022 to a range of 5.25%-5.50% currently. During this period the average mortgage rose from a little over 4.1% to 7.5% currently. In addition, the Feds began a program to sell \$95 billion/month (or \$1.14 trillion) of Agency and Mortgage-Backed securities from its Balance Sheet, which will increase the supply of these securities and put additional upward pressure on mortgage rates. This has already significantly reduced consumer spending and has started slowing down the economy.

Gigantic and ongoing federal budget deficits, high inflation and the Federal Reserve Board tightening of the monetary supply to fight high inflation have replaced the COVID-19 pandemic as the biggest headwinds to economic growth over the next few years. The Feds Chairman said the Federal Reserve will keep interest rates at a high level until its preferred inflation index (i.e., Core Personal Consumption Expenditure Index or PCE Index) declines below its target of 2% and the Feds is convinced it will remain so. It is currently 3.88%, almost double the Feds target rate. The Federal Reserve is trying to engineer a soft landing for the economy (i.e., slowing the economy by tightening the money supply, but not creating a recession); the Feds may or may not be successful at engineering this soft landing. The proposed \$1.8 trillion federal budget deficit for the upcoming fiscal year will require the issuance of additional \$1.6 trillion in Treasury Bonds to fund the deficit. This additional huge supply of bonds will overwhelm demand for Treasury Bonds and put further upward pressure on long-term interest rates.

## BACKGROUND

At the November 28, 2017 City Council meeting, the City Manager was instructed to present a proposal for establishing an Irrevocable Supplemental Pension Trust, along with other options proposed by staff.

On June 26, 2018, the City Council adopted a Resolution appointing the City Manager as the Plan Administrator. This resolution authorized the City Manager to initiate the necessary steps for negotiating and executing documents to establish a Section 115 Trust Fund, intended to serve as a pension rate stabilizing fund. Additionally, it delegated authority for managing the Section 115 Trust Fund investments.

During the Request for Proposals (RFP) process, the City identified three agencies capable of providing professional trust administrative, trustee/custodial, and investment advisory or management services: Public Agency Retirement Services (PARS), PFM Asset Management LLC (PFM), and Keenan. RFPs were sent out, and the responses were evaluated by a review committee, which included the Director of Finance, Treasury

Manager, and an external consultant for the City. Keenan Financial Services received the highest rating from all three reviewers based on the outlined criteria in the RFP.

On May 14, 2019, during the City Council meeting, the City Council adopted a Resolution authorizing the City Manager to execute a contract with Keenan Financial Services to establish a pension Section 115 trust. This contract includes Keenan Financial Services providing trust administration, trustee/custodian, and investment advisory services. The structure of the trust includes the following components:

- Trust Administrator: Keenan
- Trustee/Custodian: Benefit Trust Company
- Investment Manager: Morgan Stanley

Benefit Trust Company (BTC) actively manages plan assets. The City's individual trust account is part of a larger Multiple Employer Trust administered by Keenan Financial Services and BTC. BTC also provides the City with monthly and quarterly statements detailing the activity of the City's accounts.

The primary purpose of the Pension Stabilization Trust is to accumulate, hold, and distribute pension plan assets exclusively for the benefit of retiree pensions, as defined by IRS Code Section 115. These plan assets are irrevocable and can only be used for the intended purpose of the Trust.

The City's principal objective in establishing the Pension Trust is to control long-term costs and mitigate the annual operating budget's volatility. The trust offers increased flexibility to the City, allowing for more consistent contributions and reduced year-to-year contribution volatility.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

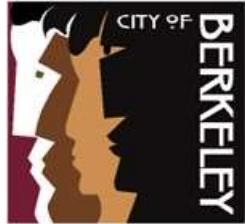
#### ATTACHMENTS

1. Portfolio Evaluation Inception to June 30, 2023
2. Investment Report Analysis Inception to June 30, 2023
  - a. Exhibit 2-A: Summary Information by Portfolio
  - b. Exhibit 2-B: Investment by Type
  - c. Exhibit 2-C: Market Value by Type
  - d. Exhibit 2-D: Investment Portfolio Trend



**Portfolio Evaluation  
As of June 30, 2023**

|                                | Analysis by Fiscal Year |                       |                      |                              |
|--------------------------------|-------------------------|-----------------------|----------------------|------------------------------|
|                                | <u>6.30.2023</u>        | <u>6.30.2022</u>      | <u>6.30.2021</u>     | <u>9.30.2020 (Inception)</u> |
| <b>Total Portfolio</b>         |                         |                       |                      |                              |
| Pooled Cash                    | \$ 4,687,819            | \$ 407,748            | \$ 1,432,226         | \$ -                         |
| Fixed Income Account (7590)    | 8,307,805               | 8,257,710             | 6,469,347            | 6,356,407                    |
| Moderate Growth Account (7600) | 6,137,707               | 5,759,296             | 4,931,280            | 4,278,393                    |
| Total Cash and Investments     | <u>\$ 19,133,331</u>    | <u>\$ 14,424,755</u>  | <u>\$ 12,832,853</u> | <u>\$ 10,634,799</u>         |
| <b>Earnings</b>                |                         |                       |                      |                              |
| Fixed Income Account (7590)    | 74,673                  | (984,712)             | 127,368              |                              |
| Moderate Growth Account (7600) | 395,917                 | (1,018,912)           | 663,245              |                              |
| Total Earnings                 | <u>\$ 470,590</u>       | <u>\$ (2,003,624)</u> | <u>\$ 790,613</u>    |                              |
| <b>Yield YTD</b>               |                         |                       |                      |                              |
| Fixed Income Account (7590)    | 0.90%                   | -15.22%               | 2.00%                |                              |
| Moderate Growth Account (7600) | 6.87%                   | -20.66%               | 15.50%               |                              |



**Investment Report Analysis**  
**As of June 30, 2023**

|                                                        | <b>Section 115</b>       |                      |
|--------------------------------------------------------|--------------------------|----------------------|
| <b>Cash and Investments</b>                            | <b>Trust Investments</b> | <b>Total</b>         |
| Portfolio                                              | \$ 10,634,799            | \$ 10,634,799        |
| Unrecognized gain/(loss)                               | 3,810,713                | \$ 3,810,713         |
| Total Investments                                      | \$ 14,445,512            | \$ 14,445,512        |
|                                                        |                          |                      |
| Cash                                                   | Pooled Cash              | Total                |
| Cash Deposits in Bank                                  | 4,687,819                | 4,687,819            |
| Total Cash                                             | 4,687,819                | 4,687,819            |
|                                                        |                          |                      |
| <b>Adjusted Grand Total (All Cash and Investments)</b> | <b>\$ 19,133,331</b>     | <b>\$ 19,133,331</b> |

**Section 115 Trust Portfolio Breakdown As of June 30, 2023**

|                          | <b>Book Value</b>    | <b>Market Value</b>  |
|--------------------------|----------------------|----------------------|
| Fixed Income             | 8,687,089.21         | 11,614,770.27        |
| Equities                 | 1,703,409.07         | 2,433,489.57         |
| Alternatives             | 244,301.08           | 397,252.50           |
| <b>Total Investments</b> | <b>\$ 10,634,799</b> | <b>\$ 14,445,512</b> |



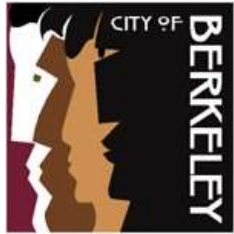
**Summary of Investments - Section 115 Trust Funds**  
**City of Berkeley**  
**Investment Report Analysis**

| <u>Quantity</u>                                                                   | <u>Security Symbol</u> | <u>Investments (Book Value)</u> | <u>Gain/Loss on Investments</u> | <u>Investments (Market Value)</u> | <u>Curren Yield</u> |
|-----------------------------------------------------------------------------------|------------------------|---------------------------------|---------------------------------|-----------------------------------|---------------------|
| <b>MODERATE GROWTH AOCUNT PENSION STABILIAZATION TRUST - BENEFIT ACCOUNT 7600</b> |                        |                                 |                                 |                                   |                     |
| <b>FIXED INC MUTUAL FUNDS</b>                                                     |                        |                                 |                                 |                                   |                     |
| TAXABLE BOND FUND                                                                 |                        |                                 |                                 |                                   |                     |
| 65,989.663                                                                        | MPHQ.X                 | 777,380                         | (119,463.35)                    | 657,917                           | 3.4                 |
| 40,734.878                                                                        | GIUS.X                 | 787,244                         | (127,746.52)                    | 659,498                           | 3.7                 |
| 13,928.713                                                                        | GIOS.X                 | 362,588                         | (30,666.60)                     | 331,921                           | 5.3                 |
| 55,848.763                                                                        | PTRQ.X                 | 787,366                         | (126,116.75)                    | 661,249                           | 4.1                 |
| 65,455.439                                                                        | PGTQ.X                 | 421,286                         | (88,117.81)                     | 333,168                           | 4.1                 |
| 70,106.967                                                                        | WAPS.X                 | 811,784                         | (148,571.70)                    | 663,212                           | 3.6                 |
| <b>FIXED INC MUTUAL FUNDS TOTAL</b>                                               |                        | <b>3,947,648</b>                | <b>(640,683)</b>                | <b>3,306,965</b>                  | <b>3.9</b>          |
| <b>DOMESTIC EQUITY MUTUAL FUNDS</b>                                               |                        |                                 |                                 |                                   |                     |
| LARGE CAP FUND                                                                    |                        |                                 |                                 |                                   |                     |
| 6,329.701                                                                         | ALGY.X                 | 313,712                         | (1,404.13)                      | 312,307                           | 0.1                 |
| 14,978.675                                                                        | COFY.X                 | 447,059                         | 8,742.15                        | 455,801                           | 0.6                 |
| 4,605.795                                                                         | LCSS.X                 | 186,086                         | 15,371.03                       | 201,457                           | 0.0                 |
| <b>LARGE CAP FUND TOTAL</b>                                                       |                        | <b>946,857</b>                  | <b>22,709</b>                   | <b>969,566</b>                    | <b>0.3</b>          |
| SMALL CAP FUNDS                                                                   |                        |                                 |                                 |                                   |                     |
| 11,929.120                                                                        | AGOZ.X                 | 261,534                         | (53,371.06)                     | 208,163                           | 0.0                 |
| 2,822.187                                                                         | UBVF.X                 | 181,590                         | 33,036.93                       | 214,627                           | 1.2                 |
| <b>SMALL CAP FUNDS TOTAL</b>                                                      |                        | <b>443,125</b>                  | <b>(20,334)</b>                 | <b>422,790</b>                    | <b>0.6</b>          |



**Summary of Investments - Section 115 Trust Funds**  
**City of Berkeley**  
**Investment Report Analysis**

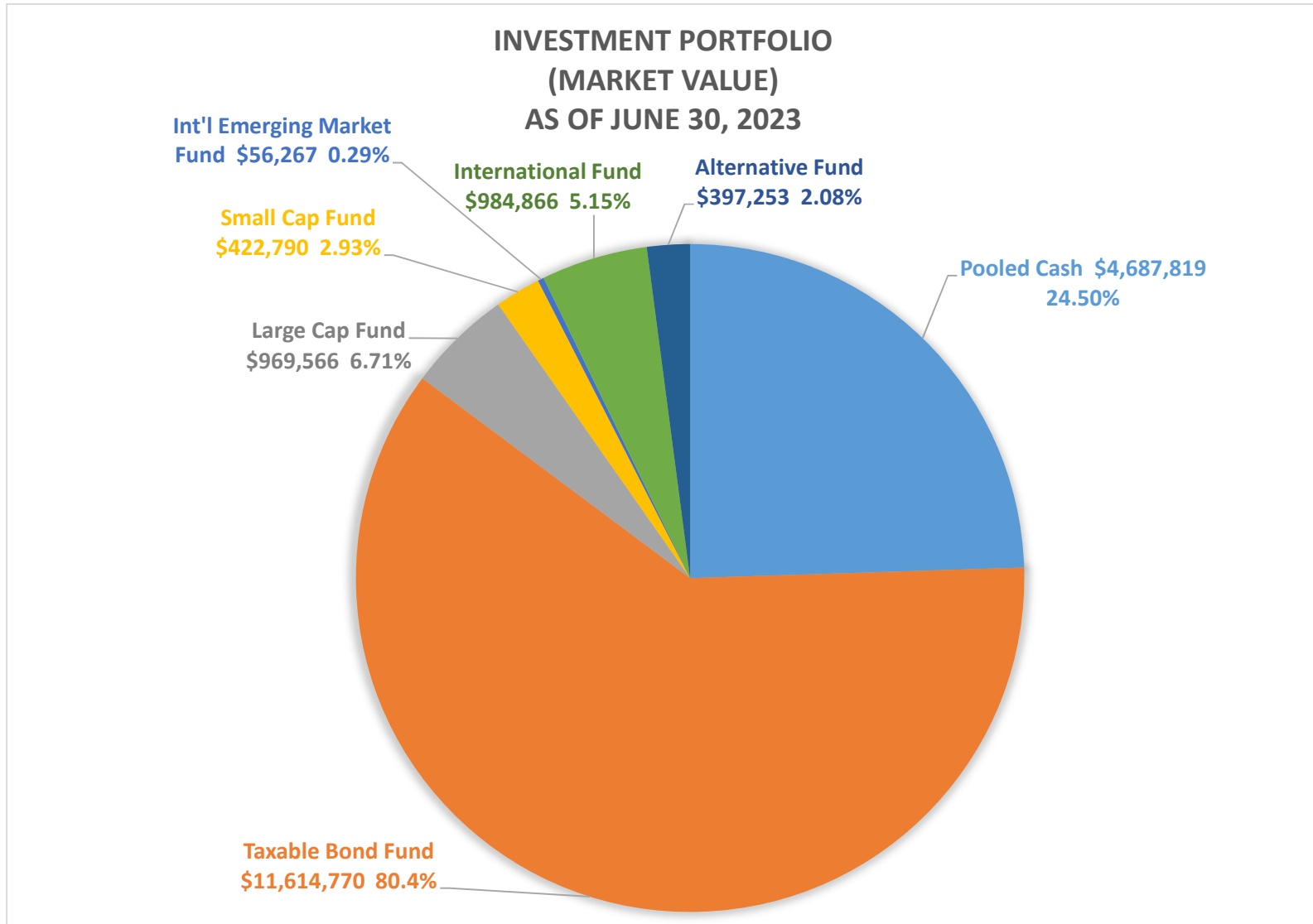
| <u>Quantity</u>                                 | <u>Security Symbol</u> | <u>Investments (Book Value)</u> | <u>Gain/Loss on Investments</u> | <u>Investments (Market Value)</u> | <u>Curren Yield</u> |
|-------------------------------------------------|------------------------|---------------------------------|---------------------------------|-----------------------------------|---------------------|
| <b>DOMESTIC EQUITY MUTUAL FUNDS TOTAL</b>       |                        | <b>1,389,982</b>                | <b>2,375</b>                    | <b>1,392,356</b>                  | <b>0.4</b>          |
| <b>INTERNATIONAL MUTUAL FUNDS</b>               |                        |                                 |                                 |                                   |                     |
| INTERNATIONAL EMERGING MARKET FUND              |                        |                                 |                                 |                                   |                     |
| 759.340                                         | NFFF.X                 | 55,256                          | 1,011.28                        | 56,267                            | 1.1                 |
| <b>INTERNATIONAL EMERGING MARKET FUND TOTAL</b> |                        | <b>55,256</b>                   | <b>1,011</b>                    | <b>56,267</b>                     | <b>1.1</b>          |
| INTERNATIONAL FUND                              |                        |                                 |                                 |                                   |                     |
| 3,075.465                                       | ANWF.X                 | 163,574                         | 6,192.10                        | 169,766                           | 0.9                 |
| 9,182.432                                       | GSYI.X                 | 158,963                         | 9,443.28                        | 168,406                           | 4.4                 |
| 9,795.832                                       | HILY.X                 | 142,449                         | 26,039.66                       | 168,488                           | 2.6                 |
| 4,629.057                                       | PRJQ.X                 | 167,376                         | 2,834.09                        | 170,210                           | 0.0                 |
| 13,526.386                                      | TIBO.X                 | 293,775                         | 14,220.96                       | 307,996                           | 5.3                 |
| <b>INTERNATIONAL FUND TOTAL</b>                 |                        | <b>926,136</b>                  | <b>58,730</b>                   | <b>984,866</b>                    | <b>3.0</b>          |
| <b>INTERNATIONAL MUTUAL FUNDS TOTAL</b>         |                        | <b>981,392</b>                  | <b>59,741.37</b>                | <b>1,041,133</b>                  | <b>2.9</b>          |
| <b>ALTERNATIVE INVESTMENT FUNDS</b>             |                        |                                 |                                 |                                   |                     |
| ALTERNATIVE FUND                                |                        |                                 |                                 |                                   |                     |
| 19,863.727                                      | CSZI.X                 | 335,310                         | (21,463.04)                     | 313,847                           | 3.4                 |
| 4,592.820                                       | PGRQ.X                 | 99,033                          | (15,627.60)                     | 83,406                            | 2.3                 |
| <b>ALTERNATIVE INVESTMENT FUNDS TOTAL</b>       |                        | <b>434,343</b>                  | <b>(37,091)</b>                 | <b>397,253</b>                    | <b>3.2</b>          |

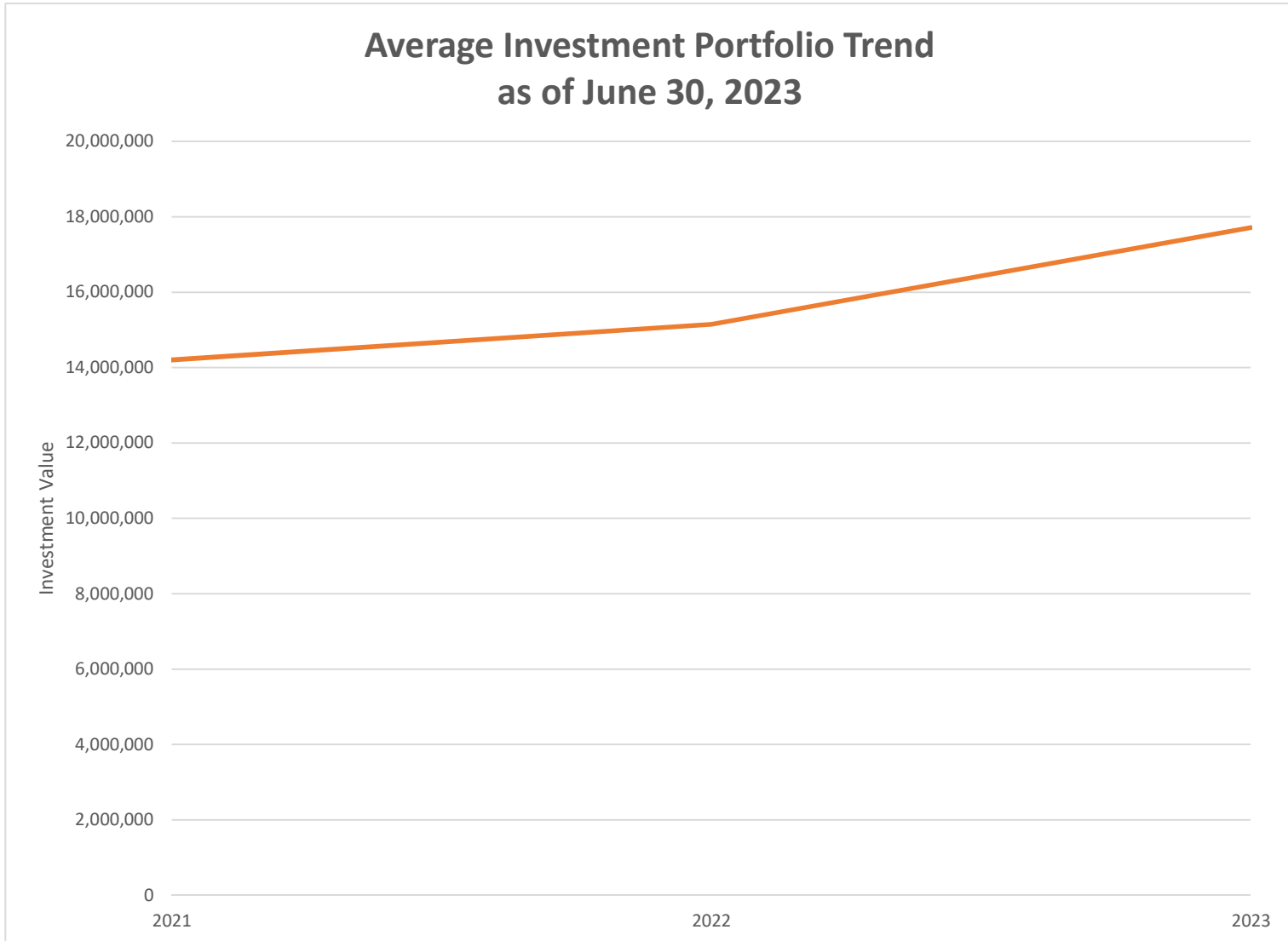


**Summary of Investments - Section 115 Trust Funds**  
**City of Berkeley**  
**Investment Report Analysis**

| <u>Quantity</u>                                                                      | <u>Security Symbol</u> | <u>Investments (Book Value)</u> | <u>Gain/Loss on Investments</u> | <u>Investments (Market Value)</u> | <u>Curren Yield</u> |
|--------------------------------------------------------------------------------------|------------------------|---------------------------------|---------------------------------|-----------------------------------|---------------------|
| <b>TOTAL PORTFOLIO</b>                                                               |                        | <b>6,753,364</b>                | <b>(615,657)</b>                | <b>6,137,707</b>                  | <b>3.1</b>          |
| <b>FIXED INCOME AOCUNT PENSION STABILIAZATION TRUST - BENEFIT TRUST ACCOUNT 7590</b> |                        |                                 |                                 |                                   |                     |
| <b>FIXED INC MUTUAL FUNDS</b>                                                        |                        |                                 |                                 |                                   |                     |
| <b>TAXABLE BOND FUND</b>                                                             |                        |                                 |                                 |                                   |                     |
| 165815.793                                                                           | MPHQ.X                 | 1,963,200                       | (310,016.76)                    | 1,653,183                         | 3.4                 |
| 102359.063                                                                           | GIUS.X                 | 1,982,742                       | (325,549.20)                    | 1,657,193                         | 3.7                 |
| 34939.159                                                                            | GIOS.X                 | 908,432                         | (75,832.23)                     | 832,600                           | 5.3                 |
| 140337.900                                                                           | PTRQ.X                 | 1,984,285                       | (322,684.64)                    | 1,661,601                         | 4.1                 |
| 164391.532                                                                           | PGTQ.X                 | 1,054,803                       | (218,050.00)                    | 836,753                           | 4.1                 |
| 176160.095                                                                           | WAPS.X                 | 2,042,657                       | (376,182.09)                    | 1,666,475                         | 3.6                 |
| <b>FIXED INC MUTUAL FUNDS TOTAL</b>                                                  |                        | <b>9,936,120</b>                | <b>(1,628,315)</b>              | <b>8,307,805</b>                  | <b>3.9</b>          |
| <b>TOTAL PORTFOLIO</b>                                                               |                        | <b>9,936,120</b>                | <b>(1,628,315)</b>              | <b>8,307,805</b>                  | <b>3.9</b>          |
| <b>Total Trust Funds</b>                                                             |                        | <b>\$ 16,689,484</b>            | <b>\$ (2,243,972)</b>           | <b>\$ 14,445,512</b>              |                     |
| <b>Pooled Cash</b>                                                                   |                        |                                 |                                 | <b>\$ 4,687,819</b>               |                     |
| <b>Total Cash and Investments</b>                                                    |                        |                                 |                                 | <b>\$ 19,133,331</b>              |                     |









Office of the City Manager

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Department of Planning and Development

Subject: Climate Action Plan and Resilience Update

SUMMARY

This report contains performance metrics to measure progress toward meeting climate action goals in the transportation and building sectors. Alongside GHG emission reductions, staff is advancing equity, prioritizing community resilience, helping the community adapt to the changing climate, and will be utilizing funding from the California Office of Planning and Research Adaptation Planning Grant Program starting in 2024 to collaborate with disadvantaged communities to develop meaningful metrics to measure Berkeley's progress in advancing climate, equity and resilience goals.

Based on the best currently available data from 2021, the Berkeley community has reduced overall greenhouse gas (GHG) emissions by 25% since 2000. In addition to a declining trend since 2000, there was a significant drop in 2020 due to the impacts of the COVID-19 pandemic, particularly in the transportation sector. As anticipated, in 2021 as people resumed commute and travel patterns the transportation emissions increased by 27% from 2020 levels, though the 2021 transportation emissions are still 9% lower than in 2019. In Berkeley's building sector, emissions decreased by 7% from 2020 to 2021. Further declines in community-wide building sector emissions are anticipated in 2022, which is when most residential and commercial electricity accounts transitioned to Ava Community Energy's (formerly known as East Bay Community Energy's) Renewable 100 product. Ava Community Energy (Ava) has also pledged to make its Bright Choice product emissions-free by 2030.

Although Berkeley has made significant progress in reducing GHG emissions, additional work is required to achieve the City's ambitious goals. In 2006, Berkeley residents voted to reduce the community's GHG emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by the Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil Fuel-Free City," and the Council declared a Climate Emergency, all steps to signal the urgency of these ambitious goals and the need to act on climate threats in an equitable manner. Additionally, in 2020, Berkeley City Council established a 2030 GHG emission reduction target that reflects

Berkeley's fair share of the 50% global reduction in carbon dioxide equivalent (CO<sub>2</sub>e), committing to reduce emissions 60.5% from 2018 levels by 2030. Berkeley's emission reduction and fossil fuel-free goals were set in the context of a growing population, so the 2021 emissions reductions were achieved with an 18% increase in population from the 2000 baseline.

### CURRENT SITUATION AND ITS EFFECTS

Berkeley's progress on climate action and the annual community-wide GHG emissions inventory is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

City staff annually calculate community GHG emissions to understand which sectors and fuels contribute the most emissions in Berkeley, track progress toward climate goals, and provide data that can be used for prioritizing programs and policies. Berkeley's community-wide GHG emissions in 2021 totaled 546,388 metric tons of carbon dioxide equivalent (mtCO<sub>2</sub>e). The 2021 GHG inventory continued to be impacted by the global COVID-19 pandemic, as noted within each sector's analysis.

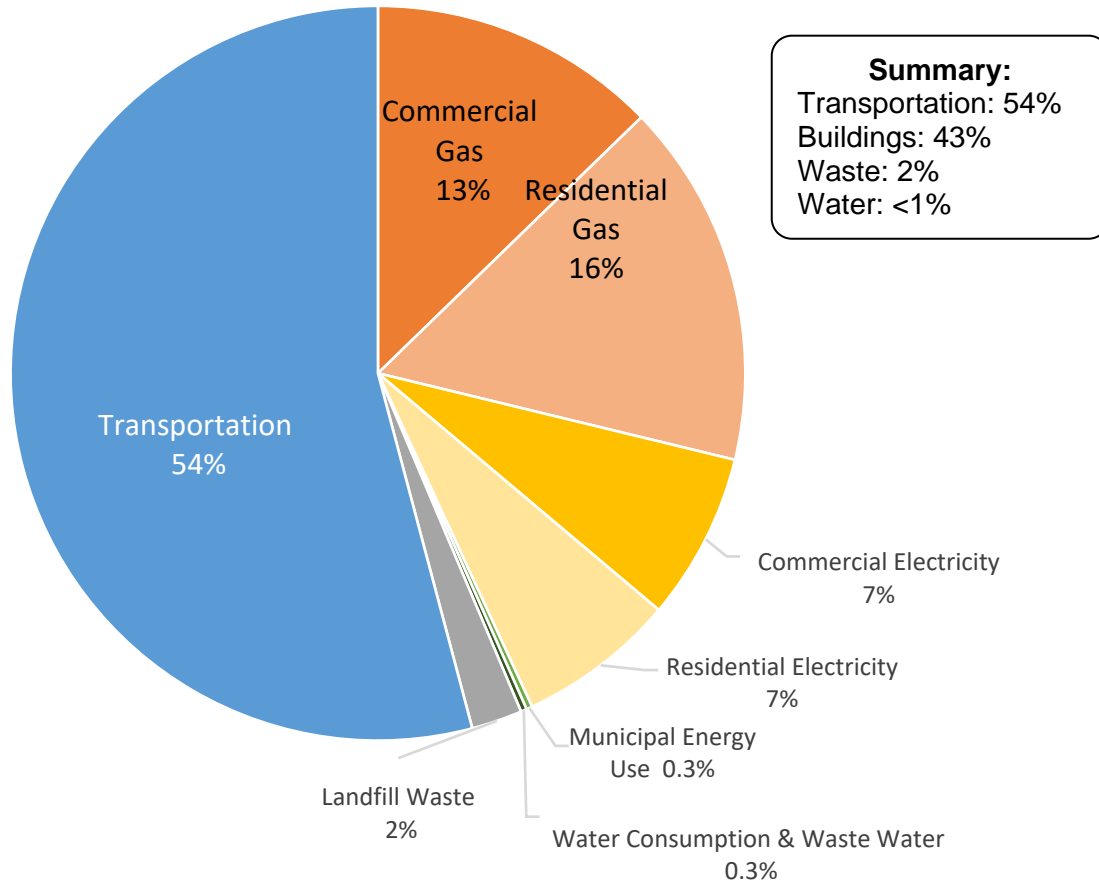
**Figure 1** is a pie chart of the 2021 community-wide GHG emissions inventory, the most recent available data, broken down by sector and fuel. The majority of Berkeley's GHG emissions continue to come from the transportation and building sectors.

The transportation sector was the largest source of 2021 GHG emissions, accounting for 54% (295,777 mtCO<sub>2</sub>e) and includes vehicles, BART, AC Transit, Amtrak and maritime vessels. The building sector was the second largest source of emissions in 2021 and accounted for 43% (236,973 mtCO<sub>2</sub>e) of community-wide emissions. Energy usage data for Berkeley buildings, provided by Ava and PG&E, is broken down into residential and commercial (including industrial) buildings—for both electricity use and natural gas (gas) combustion.

Emissions from municipal energy use accounts for 0.3% (1,434 mtCO<sub>2</sub>e) of the 2021 community-wide GHG emissions. Municipal energy consumption includes city buildings and other uses like streetlights and traffic signals. The remaining 2% (13,639 mtCO<sub>2</sub>e) of Berkeley's community-wide GHG emissions come from landfilled solid waste, water consumption, and waste water treatment.

**Figure 1: 2021 community-wide GHG emissions inventory, by sector and fuel.**

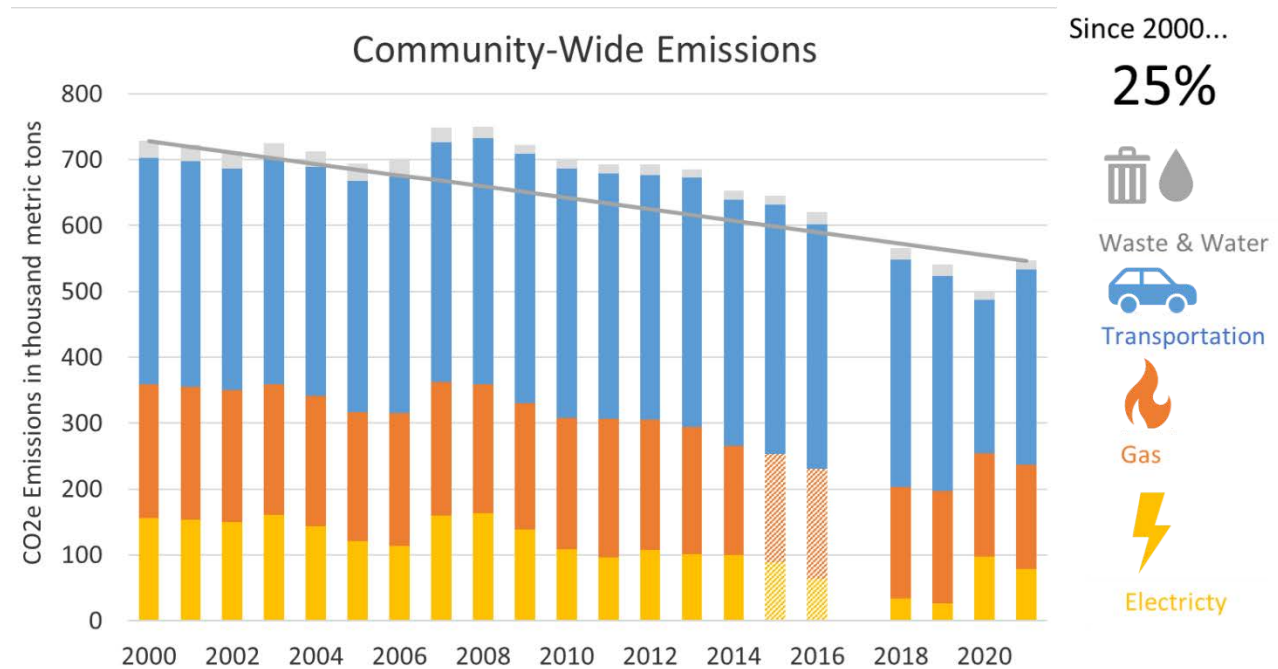
## 2021 Greenhouse Gas Inventory



To identify and quantify reductions achieved, the most current community emissions from 2021 are compared to the Climate Action Plan (CAP) baseline year of 2000. A historic summary of Berkeley’s annual emissions inventories from 2000 to 2021 is provided in **Figure 2**<sup>1</sup>.

<sup>1</sup> Due to data access issues, the City was not provided with energy use data in 2015 and 2016, so building energy usage was estimated using assumptions and is represented with shaded coloring. No inventory was calculated for 2017, so that year of data is omitted.

**Figure 2: Historic Berkeley GHG emissions inventories back to 2000, broken out into building electricity and gas combustion, transportation, and other (water, wastewater treatment and landfill solid waste).**



Community-wide GHG emissions in 2021 decreased 25% from the 2000 baseline. As mentioned, due to the COVID-19 pandemic GHG emissions in 2020 were very low. In 2021 GHG emissions increased 9% from the dip in 2020, and increased 1% from 2019, the most recent pre-pandemic year. Berkeley’s original CAP goal of reducing GHG emissions by 80% from 2000 levels by 2050 was superseded by a commitment by the Berkeley City Council on May 11, 2021, to become zero net emissions by 2045 or sooner, requiring an additional 75% reduction of GHG emissions over the next 24 years.

Key accomplishments and examples of work underway to reduce GHG emissions and address the climate emergency are described below. Although the data for GHG emissions is for the calendar year of 2021, the progress on programs described in the following sections includes more recent efforts.

## Equity



*Equity Goal: Prioritizing the advancement of equity outcomes into policies and programs*

### **Equity Guardrails**

Berkeley's Existing Buildings Electrification Strategy (BEBES, 2021) developed a set of "Equity Guardrails" which serve as minimum requirements that must be met in order to equitably advance a policy, program or project. These guardrails were developed as a result of targeted outreach with disadvantaged communities to better understand and elevate their priorities and needs. The Planning & Development Department's Office of Energy and Sustainable Development (OESD) applies these guardrails to all of its work. They include:

- Maximize Access to Health, Safety & Mobility Benefits
- Maximize Access to Economic Benefits
- Maximize Ease of Participation
- Promote Housing Affordability & Anti-Displacement

### **Measuring Progress**

Cities often use quantitative metrics like GHG inventories to measure progress on climate action, but these inventories only tell part of the story. Ideally, both qualitative and quantitative indicators are co-created with the community to identify meaningful measures of success based on the community's priorities. By creating indicators that show meaningful and equity-focused outcomes, staff can adjust programs and policies to improve equitable outcomes over time, and increase the quality of life for members of the community – particularly those who have been historically disadvantaged and are most impacted by climate change. The City of Berkeley has been awarded a grant from the CA Office of Planning and Research's Adaptation Planning Grant Program, which includes funding to co-create climate and resilience metrics with community. This work is anticipated to be completed in 2026.

## Transportation



*Transportation Goal: Advancing opportunities for people to safely walk, bike, take public transit, and electrify mobility options*

### **Transportation Sector Emissions**

In 2021, Berkeley began to see a return in transportation emissions from the 2020 impacts of COVID-19, but these transportation sector emissions remain 9% below the

pre-pandemic year of 2019. Overall, total community transportation GHG emissions decreased 14% between 2021 and the baseline year of 2000. Emissions from on-road vehicles are calculated using total miles traveled provided by Google Environmental Insights Explorer<sup>2</sup>.

### **Electric Mobility Roadmap**

The Berkeley Electric Mobility Roadmap, adopted by Berkeley City Council in July 2020, identifies goals, strategies, and actions to create a fossil fuel-free transportation system. This supports the City's ongoing efforts to increase walking, biking, and public transportation, and helps to ensure equitable access to the benefits of clean transportation. The four goals of the Roadmap, along with implementation updates, are detailed below:

#### **1. Ensure Equity in Access to Electric Mobility:** Maximize electric mobility benefits in underserved communities

- **Pilot Climate Equity Fund:** On July 27, 2021, City Council approved a resolution establishing a Pilot Climate Equity Action Fund and allocated \$600,000 to provide climate change and resilience benefits to low-income residents. One of the three program areas<sup>3</sup> is the Berkeley E-Bike Equity Program (BEEP), a \$250,000 electric bike (e-bike) access program for income-qualified Berkeley households, and an e-bike youth education and workforce training program to service e-bikes and provide training for high-road job opportunities. The local non-profit Waterside Workshops, with assistance from GRID Alternatives, is implementing BEEP including education and workforce training on e-bike assembly and maintenance for its youth interns. In 2023, the BEEP program provided safety training and distributed 56 e-bikes to program recipients.

#### **2. Improve Alternatives to Driving:** Shift trips to walking, biking, and shared electric modes

- **Micromobility:** In September 2021, Berkeley City Council adopted a resolution to establish a shared electric micromobility permit program which allows operators (currently Veo and Link) to provide Berkeley residents and visitors with more sustainable commute options using electric scooters and e-bikes. To ensure equitable access to these devices, at least 50% of these devices must be deployed in designated equity priority areas, and operators are required to provide both low-income programs and more accessible devices, such as sit scooters. In May 2023, the City renewed permits for two shared mobility operators, with 400 stand-scooters and 400 seated-scooters approved to operate in Berkeley. In the period between July 2022 and June 2023 a total of 281,973

<sup>2</sup> <https://insights.sustainability.google/>

<sup>3</sup> Additional information on the other program areas of the Pilot Climate Equity Fund is provided in the Buildings section of this report.



trips, representing 268,125 total miles, were taken on these shared electric scooters and bicycles.

### 3. **Achieve Zero Net Carbon:** Eliminate emissions from private vehicles

- **Electric Vehicle Charging:** The City continues to promote the use of electric vehicles (EVs) and facilitate the installation of EV charging stations by offering streamlined permitting, educating property owners about EV charging and grant opportunities, and providing EV charging on municipal property. Based on field verification, in October 2023 there are currently 129 publicly available EV charging ports in Berkeley (Level 2 and Direct Current Fast Chargers, or DCFC) in addition to at least 75 EV charging ports installed by businesses for their employees, or in multifamily apartment buildings for residents and visitors. The City is currently partnering with Ava to develop public DCFC Hubs at two locations in Berkeley. Local amendments to the 2022 California Green Building Standards Code, effective January 2023, require levels of EV charging in new buildings in Berkeley which exceed state requirements.

### 4. **Demonstrate City Leadership:** Lead by example and guide the electric mobility transition

- **Electrification of City Fleet:** Staff worked with Ava to conduct a municipal fleet electrification assessment including a plan for EV deployment and associated charging infrastructure through 2030, presented to Council in July 2020. The City is currently working to add EV charging for fleet vehicles at the Corporation Yard, and has continued to increase the number of EVs in the municipal fleet. In 2023, EV additions to the municipal fleet will include 14 electric sedans, three electric cross-over SUVs, and one electric pick-up truck.
- **Electric Mobility Position:** The City hired an Electric Mobility Coordinator in March 2023. This position convenes the City's Electric Mobility Implementation Working Group, manages and coordinates the development of City-owned EV charging infrastructure, tracks and develops programs utilizing emerging mobility options, obtains grant funding for the City's electric mobility programs, and catalyzes actions such as electric mobility equity pilot projects, new best practices for curbside vehicle charging, and shared electric mobility hubs.

**Measuring Progress in the Transportation Sector**

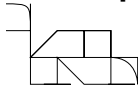
**% Sustainable Trips**



**31%**  
in 2021<sup>4</sup>

**Goal:** Increase of share of trips taken on sustainable modes of transportation to 50% by 2030 and 100% by 2040<sup>5</sup>

**% EV Adoption**



**9.2%**  
in 2022

**Goal:** Increase the share of light-duty EVs registered in Berkeley to 25% by 2025, 55% by 2030, and 100% by 2045

**# of Gas Cars Per Household**



**1.3**  
in 2022

**Goal:** Reduce the number of gas cars per household to 0 by 2045

**# of Public Level 2 Chargers**



**110**  
in October 2023<sup>6</sup>

**Goal:** Install at least 420 public Level 2 chargers by 2025<sup>7</sup>

**# of Public DC Fast Chargers**



**19**  
in October 2023<sup>8</sup>

**Goal:** Install at least 100 public direct current fast chargers (DCFC) by 2025<sup>7</sup>

<sup>4</sup> Percent of sustainable trips in 2021 only includes trips from walking, biking, and public transit as EV trip data is currently not available.

<sup>5</sup> The goal to increase sustainable trips to 100% by 2040 includes trips from walking, bicycling, public transit, and EVs.

<sup>6</sup> The number of chargers decreased from last year's reported value. There were few new installations and many chargers were switched from public to restricted use for fleets, employee and/or residents.

<sup>7</sup> Berkeley's estimates for number of chargers needed by 2025 are based on charging infrastructure projections provided by the California Energy Commission using Alameda County's ratio of needed EV chargers to projected EVs.

<sup>8</sup> Includes Tesla fast chargers

## Buildings



*Buildings Goal: Reducing energy use, promoting cleaner energy, and transitioning all buildings to clean electricity*

### **Building Sector Emissions**

Overall GHG emissions from Berkeley's building sector decreased by 7% from 2020 to 2021, and are 34% below 2000 levels. Total community-wide electricity usage decreased 14% between 2020 and 2021, and has decreased by 45% since 2000. Total community-wide natural gas usage increased by 1% from 2020 to 2021, but has decreased by 22% since 2000.

### **Impacts to Berkeley's Building sector emissions:**

- **Ava Bright Choice Electricity Emission Factor** – The emission factor for Ava's default electricity product, Bright Choice, increased significantly in 2020 compared to the 2019 value due to the changing procurement costs and loss of nuclear allocation in the electricity mix. In 2021 the Bright Choice emission factor decreased by 5% from 2020, but remains over three times higher than it was in 2019. The Bright Choice product accounts for 92% of Berkeley's 2021 community-wide electricity consumption. Ava is committed to providing 100% emissions-free Bright Choice by 2030. Additionally, in 2022 all Berkeley customers were automatically opted-up into Ava's Renewable 100, so a significant decrease in community-wide electricity emissions is expected for the 2022 inventory.
- **Direct Access Accounts** – The dataset used to calculate GHG emissions does not include Direct Access accounts, an option that allows eligible customers to purchase their electricity directly from third party providers known as Electric Service Providers. Due to an increase of Direct Access accounts which were therefore not included in the dataset, reported community-wide electricity usage showed a decrease in 2021.

### **Municipal Buildings Progress**

Municipal buildings are assessed for energy efficiency, electrification, and rate plan savings opportunities on an ongoing basis.

- Recently completed projects and major current efforts include:
  - **Building Lighting Upgrades to LED:** The Public Safety Building, which was a 2023 US Department of Energy Award-Winning Design, saves over 300,000 kilowatt-hours (kWh) annually. Other Fire Stations, Public garages, and Municipal building upgrades are in process.
  - **Building Envelope Improvements:** Mental Health Clinic, Ann Chandler Health Clinic, West Branch Library

- **Kitchen Electrification:** North & South Berkeley Senior Centers
  - **Heat Pump Water Heaters:** Main Library, North & South Library Branches, Corporation Yard Green Room & Ratcliff Building (Admin), Fire Stations 3 & 6, Marina Admin/Restroom, and non-profit sites (non-City buildings): Women's Daytime Drop-In Center, and Harrison House
  - **Solar Electric Generation:** Shorebird Park Nature Center, Berkeley Corp Yard, West Branch Library, South Branch Library, North Berkeley Senior Center
  - **Solar Thermal:** West Campus Swim Center, Shorebird Park Nature Center, West Branch Library
- **Municipal Solar + Storage:** The City, alongside several other cities in the Ava territory, is partnering with Ava to procure and implement solar + storage systems at critical municipal facilities to provide increased resilience and clean back-up power. Ava released a joint Request for Offers (RFO) for Power Purchase Agreement vendors in 2022 and re-released it in 2023. Ava hopes to select a vendor by early 2024, and start installation in 2024.
  - **Switching to Ava Community Energy (formerly East Bay Community Energy) Renewable 100:** In 2019, Berkeley City Council voted to switch municipal facilities to Ava's Renewable 100 (R100) electricity service.

### Voluntary Transition off Fossil Fuels

Berkeley homeowners have started voluntarily transitioning their gas, water, and HVAC systems to electric heat pumps. Heat pumps utilize clean electricity, are highly efficient compared to their gas counterparts, reduce building GHG emissions and provide a variety of other benefits including increased comfort and better indoor air quality. There are challenges to quantifying the number of heat pump installations in Berkeley, as the City's existing permit database doesn't provide ways to track specific technologies. The City's future replacement building permit system will incorporate the ability to readily track and report these electrification upgrades.

Several incentive programs<sup>9</sup> are available for heat pump water heaters (HPWH) and heat pump HVAC systems (HP HVAC), including TECH Clean California and BayREN. While upgrades through these programs don't account for the total number of heat pumps installed, they provide general indication of heat pump adoption trends in Berkeley.

- **TECH Clean California** is a statewide initiative, funded by California gas corporation ratepayers, to accelerate the adoption of clean space and water heating technology across California in order to help meet the state goal of being carbon-neutral by 2045. Since its launch in 2022 through October 2023:

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<sup>9</sup> For more information on rebates and incentives for electrification, please see The Switch Is On: <https://switchison.org/>

- 38 Berkeley homes installed HPWHs qualifying for TECH Clean California rebates totaling \$60,700
- 157 Berkeley homes installed HP HVACs qualifying for TECH Clean California rebates totaling \$442,000
- **BayREN** offers a variety of rebates for heat pumps.
  - Through BayREN's Home+ program, from 2019 to July 2023:
    - 93 Berkeley homes installed HPWHs qualifying for BayREN rebates totaling \$93,000
    - 28 Berkeley homes installed HP HVACs qualifying for BayREN rebates totaling \$28,000
  - BayREN's also offers a \$1,000 incentive per HPWH upgrade for contractors, and can be stacked with other rebates, such as the TECH Clean California rebates. Since the BayREN HPWH contractor rebate launch in 2020, local contractors received \$83,000 in rebates for 83 HPWH installations in Berkeley.

### **Switching Residential and Commercial Accounts to Ava Community Energy Renewable 100**

In 2019, Berkeley's electricity accounts began the transition to Ava's Renewable 100 (R100) electricity service. Residential customers transitioned in March 2022, and commercial customers in October 2022. One year after all buildings have completed the transition, over 96% of accounts (excluding CARE customers who remained on Bright Choice) are receiving R100 electricity service.

| <b>Berkeley Customers by Sector</b> | <b>Total Accounts</b> | <b>Renewable 100</b> | <b>Bright Choice</b> |
|-------------------------------------|-----------------------|----------------------|----------------------|
| <b>Residential (excluding CARE)</b> | 42,850                | 97%                  | 3%                   |
| <b>Residential (CARE)</b>           | 5,813                 | N/A                  | 100%                 |
| <b>Non-Residential</b>              | 5,065                 | 96%                  | 4%                   |
| <b>All Accounts</b>                 | 53,728                | 86%                  | 14%                  |

### **Building Emissions Saving Ordinance (BESO) Implementation**

Berkeley's Building Emissions Saving Ordinance (BESO) requires building owners to complete and publicly report building-specific energy efficiency assessments and energy scores when a building changes ownership (also known as "time of sale"). The goal of BESO is to reduce both energy costs and GHG emissions in Berkeley's existing buildings. To date, BESO has achieved many successes, including:

- Provided data on the energy use and energy efficiency opportunities of Berkeley's existing building stock
- 3,646 energy assessments completed

- 2,959 Home Energy Scores<sup>10</sup> completed, with an average score of 4.5 out of 10
- Developed new communications to promote energy efficiency and electrification upgrades
- Since the beginning of 2022, 46 homes have applied to complete qualifying energy or electrification upgrades, in place of energy assessments to satisfy BESO requirements at time of listing for sale
- **Time of Sale Energy Upgrade Requirements**  
In December 2020, Berkeley City Council amended BESO to further align the program with the City's electrification and community resilience goals. The amendment directed staff to develop energy upgrade requirements for Council consideration. In early 2023, staff assembled a Technical Advisory Committee (TAC) of building decarbonization experts from local, state, and federal organizations, including PG&E, Ava, California Energy Commission, the Berkeley Lab, Building Decarbonization Coalition, contractors and architects, to advise on potential requirements at time of sale. Over the last year, staff worked with the TAC, Bridge Association of Realtors, the Berkeley Rent Board, and the Environment and Climate Commission to develop a policy proposal. Staff plans to bring an amendment to BESO to Council in early 2024, which will include energy upgrade requirements for small residential buildings.
- **Building Performance Standards**  
Building performance standards establish building-level requirements such as minimum GHG emissions standards or elimination of gas systems or equipment by a specified date. These standards are generally applied to larger buildings, including multi-family residential and commercial buildings, in order to have the highest impact on the largest energy users. The size and type of building covered could expand over time. Staff is working to develop requirements for building performance standards that lead to the elimination of gas in Berkeley's large buildings. These requirements would be administered through Berkeley's existing BESO program.

### **Pilot Climate Equity Fund**

On July 27, 2021, City Council approved a resolution establishing a Pilot Climate Equity Action Fund and allocated \$600,000 to provide building and transportation electrification and resilience benefits to low-to-moderate income residents. The City of Berkeley released an RFP in December 2021, and on April 26, 2022, the City Council approved

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<sup>10</sup> Developed by the US Department of Energy and its national laboratories, the Home Energy Score provides home owners, buyers, and renters directly comparable and credible information about a home's energy use. Each Home Energy Score is shown on a simple one-to-ten scale, where a ten represents the most efficient homes. More information can be found at: <https://www.energy.gov/eere/buildings/downloads/home-energy-score#:~:text=Developed%20by%20DOE%20and%20its,about%20a%20home's%20energy%20use.&text=Each%20Home%20Energy%20Score%20is,represents%20the%20most%20efficient%20homes.>

contracts with five vendors. Implementation of these programs is underway and will take place through 2024. The three program areas include:

- **Resilient Home Retrofits Pilot:** Provides direct building decarbonization improvements for low-to-moderate income residents' homes to enhance resilience, support occupant health and reduce GHG emissions.
- **Berkeley Equity E-Bike Program (BEEP):** An electric bike (e-bike) access program for income-qualified Berkeley households, and an e-bike youth education and workforce training program to service the e-bikes and provide training for high-road job opportunities.
- **Climate Equity Collaborative:** Elevates under-represented voices, while increasing access to information and equipment for climate resilience and electrification efforts.

### **Kala Art Institute Municipal Artist-In-Residence**

The Planning and Development Department is participating in Kala Art Institute's Print Public Municipal Artist in Residence Program, an arts-integrated approach to urban planning and community activation. The goal of the program is for artists to work with city departments as cultural strategists to help approach challenges in new ways, and lift up voices that are less often heard. The Pilot Climate Equity Fund is participating in this program, and staff is partnering with the artist Cheryl Derricotte through Fall 2024.

### **Just Transition Pilot Program**

On June 14, 2022, City Council approved a resolution to develop a Just Transition Pilot Program, with a budget of \$1,500,000. This program aims to aggregate multiple direct install projects of electrification measures in existing affordable housing buildings and/or for low-to-moderate income households (at or below 120% of the Area Median Income, or AMI). Electrification measures include replacing gas water heating, HVAC, electrical upgrades and cooking equipment with efficient electric systems. The program requires that upgrades be completed by pre-qualified contractors who meet minimum labor standards, to ensure that residential electrification construction work also provides equitable benefits to workers. The objective of labor standards is to advance high-road, family-sustaining jobs that pay living wages, with comprehensive benefits and opportunities for career advancement for a diverse workforce.

Staff conducted extensive research to inform program design through expert interviews and active participation in the Bay Area High Road Training Partnership (H RTP)<sup>11</sup>. Staff also received valuable input from the Berkeley Environment and Climate Commission (ECC) on September 28, 2022, the City Council Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee on November 3, 2022, and the Commission on Labor on November 30, 2022. The City released an RFP in January 2023 to develop and implement the Just Transition Pilot Program. On June 6, 2023, City Council approved a resolution authorizing the City Manager to award a contract with

<sup>11</sup> <https://cwdb.ca.gov/initiatives/high-road-training-partnerships/>

Rebuilding Together East Bay North (RTEBN) as the contractor, who is teaming with the Construction Trades Workforce Initiative (CTWI). The City is in the contracting process and anticipates starting the project in December 2023, with installations taking place over two years. Staff will report back to Council next year with a program status as part of the Climate Action Plan and Resilience Update.





### **Indoor Appliances Implementation Working Group**

Berkeley city staff were invited (along with only two other municipalities) to participate in the Bay Area Air Quality Management District (BAAQMD) Indoor Appliances Working Group (IWG). The BAAQMD adopted amendments to Rule 9-4 and Rule 9-6 in March 2023 which establish zero-nitrogen oxide (NOx) emissions standards for gas furnaces and water heaters.<sup>12</sup> These rules phase in requirements, beginning in 2027, that will ultimately only allow heat pumps (zero NOx appliances) to be sold and installed in the Bay Area for new water heaters and furnaces. The IWG is assisting the BAAQMD in identifying and addressing implementation issues including technical and workforce readiness of the market and equitable transition to compliant appliances.

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<sup>12</sup> <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>



| Measuring Progress in the Building Sector                                                                                                                |                                                                       |                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Community-wide Building Energy Usage from Gas Combustion</b></p>  | <p><b>73%</b><br/>in 2021<sup>13</sup></p>                            | <p><b>Goal:</b> Decrease percentage of building energy from fossil fuel consumption, in the form of gas combustion, to 0 by 2045 while switching to clean electricity</p> |
| <p><b>BayREN Home+: # of Measures Completed</b></p>                     | <p><b>1,139</b><br/>from 2019-2022</p>                                | <p><b>Goal:</b> Increase BayREN Home+ participation</p>                                                                                                                   |
| <p><b>BayREN Multifamily: # of Units Participated</b></p>              | <p><b>1,052</b><br/>from 2014-2022</p>                                | <p><b>Goal:</b> Increase BayREN Multifamily participation and upgrade more units to decrease energy use, emissions, and increase comfort</p>                              |
| <p><b>Total GHG emissions Saved through BayREN Upgrades</b></p>       | <p><b>367</b> <small>mtCO<sub>2</sub>e</small><br/>from 2014-2022</p> | <p><b>Goal:</b> Increase total GHG emissions saved through participation in BayREN Home+ and BayREN Multifamily</p>                                                       |

**Waste**



*Waste Goal: Leading the way towards zero waste in policy, planning and practice*

**Landfill Solid Waste Emissions**

Total community-wide landfill solid waste and overall emissions from the waste sector decreased by 3% in 2021 compared to 2020, placing current waste sector emissions 49% below the 2000 baseline.

<sup>13</sup> Due to the increase in Direct Access energy, our reported Citywide electricity use decreased. More information is provided above.

**Impacts to Berkeley's emissions:**

- **SB 1383**

In 2016, SB 1383 was signed into law. This State legislation is designed to reduce short-lived climate pollutants and requires 75% organic waste reduction by 2025 and a 20% increase in recovery of edible food that is currently disposed by 2025. California local jurisdictions have significant, new requirements to implement additional waste reduction programs and enhanced reporting and enforcement protocols to comply with the state legislation. SB 1383 implementation started January 1, 2022.

## Community Outreach & Engagement



*Community Engagement Goal: Achieving equitable climate action together*

Since 2012, the Berkeley Climate Action Coalition (BCAC), co-convened by the Ecology Center and the City, has been a vehicle for climate engagement. BCAC continues to engage Berkeley and East Bay residents on climate action issues through in-person and online events.

**Community Webinars**

The City collaborated with governmental and community organizations, and municipalities in both Alameda and Contra Costa counties to host webinars on a variety of topics such as building electrification, climate justice, residential energy efficiency, electric cars and bikes, and solar and storage.

**East Bay Green Home Tours**

Since 2021, the City has hosted virtual *East Bay Green Home Tours*<sup>14</sup> showcasing various efforts of local residents to save water and energy, increase resilience to drought and heat, electrify their appliances, and reduce the carbon footprint of their homes. Hundreds of people have attended the event each year, and the videos that are available online afterwards continue to receive thousands of views.

**Ride Electric**

The City hosted its *6<sup>th</sup> Annual Ride Electric* in conjunction with the City Harvest Festival on October 21, 2023. This event offers electric bike and scooter test rides through the City's shared electric mobility providers and local bicycle retailers, and this year hosted an exciting new municipal fleet electric vehicle showcase. As in years past, the City offered multiple resources to income-qualified residents to help electrify their ride. Additionally, the City invited multiple community partners such as Ava Community

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<sup>14</sup> <https://www.eastbaygreenhome.com/>

Energy, the Ecology Center, and Citizen's Climate Lobby to host interactive information tables on home electrification and recycling.

## **Climate Adaptation & Community Resilience**



*Adaptation and Resilience Goal: Strengthening and preparing the community for shocks and stresses, including adapting to the impacts of climate change*

The City's resilience efforts, as outlined in the 2016 Resilience Strategy, include the following goals:

1. Build a connected and prepared community
2. Accelerate access to reliable and clean energy
3. Adapt to the changing climate
4. Advance racial equity
5. Excel at working together within City government to better serve the community
6. Build regional resilience

Many City departments are coordinating and leading efforts to enhance resilience and help Berkeley adapt to a changing climate, including Planning, Public Works, Parks Recreation and Waterfront, Health, Housing and Community Services, and Fire. A summary of programs is provided below:

### **Adaptation Planning Grant Program**

The City of Berkeley in partnership with the Ecology Center and the Berkeley Climate Equity Collaborative, is being awarded a nearly \$500,000 grant from the Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP). The project includes co-creating with community an update to Berkeley's General Plan Safety Element, development of a new General Plan Environmental Justice Element, and creation of an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard. As part of this work, the team will conduct additional technical analyses which will guide strategies, goals and policies of the Safety and Environmental Justice Elements, as well as future General Plan Element updates. The intent of the project is to achieve equitable outcomes that are specific and measurable through co-creating the climate adaptation and resilience policies and programs with vulnerable communities, as well as meaningful metrics for monitoring and evaluation.

### **Local Hazard Mitigation Plan (LHMP)**

The LHMP is the main document that houses the City's climate adaptation work, and is currently being updated. A draft plan is anticipated to be released in late 2023 for public review and the final plan is anticipated to be completed and adopted in 2024.

### **Extreme Heat Planning**

The City of Berkeley is developing extreme heat protocols for City operations. This work evaluates city infrastructure and community needs, and is integrating best practices from other jurisdictions. The City is also participating in a regional group coordinated with UC Berkeley, the Berkeley Lab, and several Bay Area jurisdictions, to share and plan around extreme heat.

### **Wildfire Smoke**

The Bay Area has experienced multiple days and periods of unhealthy air quality due to wildfire smoke in recent years. These events can coincide with heat waves, high fire risks, and/or Public Safety Power Shutoffs. To better address the threat of wildfire smoke, in 2019 the City of Berkeley participated in a grant led by Alameda County to create a communications protocol for responding to wildfire smoke and other air quality conditions. In addition, in 2023 the Office of Emergency Services secured 28 air cleaners from a Bay Area Air Quality Management District (BAAQMD) grant. These air cleaners were distributed to public facing sites including libraries and community centers for use during poor air quality events. The City is also working to advance emergency and resilience planning for extreme heat and high air quality index (AQI) events, including coordination with cities around North America, and local collaboration outreach with community partners serving disadvantaged communities.

### **Sea Level Rise**

In 2019, the City initiated the Waterfront Specific Plan project to develop a long-term vision for achieving a financially self-sustainable publicly-owned Waterfront. The team conducted an extensive community outreach process and a draft Sea Level Rise Study for the Berkeley Waterfront. Preliminary findings indicate that three locations at the Berkeley Waterfront may experience periodic flooding by 2050 during a 100-year storm and King tide:

1. The shoreline at the north segment of Marina Blvd between the Virginia Street Extension and the entrance to Cesar Chavez Park
  - Staff is in partnership with East Bay Regional Park District (EBRPD) as part of their North Basin Strip planning and design project (funding provided to EBRPD by Measure AA - San Francisco Bay Restoration Authority) to conduct a feasibility study with collaborative input from City.
2. The shoreline to the south of University Avenue between West Frontage Road and Marina Blvd

- In 2023 staff submitted a grant application to the US Department of Transportation for the Berkeley Waterfront University Ave Shoreline and Habitat Resiliency Project for consideration. The funder plans to notify selected awardees in early 2024.
3. Various spots in the northeast corner of the inner harbor of the Marina.

### **Groundwater Rise**

Shallow groundwater in coastal communities will rise as sea levels rise, increasing the risk of flooding communities from below. Through funding from the California Resilience Challenge grant, a project led by the San Francisco Estuary Institute Aquatic Science Center, in collaboration with Pathways Climate Institute, UC Berkeley, and Bay Area cities and counties, explored the links between sea level rise, precipitation, and the elevation of shallow groundwater in the Bay Area. The City of Berkeley was a joint proposer and participated in the Project Management Taskforce.

The final report<sup>15</sup> provides existing conditions groundwater mapping and future condition projections, suggestions on how to use this dataset for planning purposes, recommendations for additional modeling and assessments, and potential next steps. The City plans to take this study to the next step by evaluating the impact of shallow groundwater rise and sea level rise on toxic materials stored underground. This work is being funded through a grant from the CA OPR APGP grant (described above) and will take place from 2024-2026.

### **Tree Canopy**

The City of Berkeley currently has a vibrant urban forest made up of approximately 38,000 street, park and median trees. These trees are managed and maintained by the Urban Forestry Unit of the Parks, Recreation & Waterfront Department. However, while dense and vibrant in areas, this urban forest is not equitably distributed throughout the City. Current tree inventories and overall canopy coverage data illustrates fewer trees located in the West and South Berkeley neighborhoods, which also have a higher population of lower-income and historically disadvantaged communities. The City plans to plant 1,000 new trees in West and South Berkeley neighborhoods over the next two years. Funds have been secured to cover most costs through an Urban Greening Grant of \$726,000 and an Environmental Enhancement and Mitigation Grant of \$576,000. Both grants are sponsored by the California Natural Resources Agency. In addition, the City was awarded a federal Urban and Community Forestry grant from the Inflation Reduction Act for \$1,000,000 to hire staff and continue tree planting work over the next five years.

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<sup>15</sup> May, C. L.; Mohan, A.; Plane, E.; Ramirez-Lopez, D.; Mak, M.; Luchinsky, L.; Hale, T.; Hill, K. 2022. Shallow Groundwater Response to Sea-Level Rise: Alameda, Marin, San Francisco, and San Mateo Counties. Pathways Climate Institute and San Francisco Estuary Institute. See: <https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise>

This project aims to eliminate the past barriers to growing new street trees by first promoting tree planting opportunities, engaging with communities and gathering specific tree planting requests in areas with low tree counts. Next, funding will cover all costs of the tree growing process, which include site planning and species selection, creating new sidewalk growing spaces, purchasing and planting trees, and providing the three years of watering investment needed to establish these drought tolerant trees.

These new trees will help to provide shade, cooling, storm water benefits, and beautification in neighborhoods that have been historically underserved. Additionally, this project offers an opportunity to grow tree species which are resilient and climate change ready, and to utilize modern urban forestry methods to create sustainable sites and reduce future infrastructure conflicts.

### **Pollinator Gardens**

Bees and other insects are responsible for the pollination of much of the world's crops and flowering plants. The ecological service they provide is essential for a healthy environment. While numbers of many species have declined, several Berkeley Parks have been renovated to create space for native pollinator gardens and corridors. The pollinator garden partnership and collaboration began in 2020. Since the last report in 2021, two new sites have broken ground, one site is actively in construction, and there are also plans for another installation later in 2024:

- A new community garden at Sixty-Third St. Mini-Park
- A new pollinator garden at Charlie Dorr Mini Park
- A large new 5,000 square foot native garden on the west side of the roundabout at University Ave. and Marina Blvd.
- Ground broke for four renovated native planters at the Berkeley Marina Sportsman Center Bait Shop at 225 University Ave.
- Ground broke for a pollinator garden at Monterey Ave. and Posen Ave.
- Plans for both a pollinator garden and a Community Garden at the newly renovated areas of Grove Park

### **Bay Area Climate Adaptation Network (BayCAN)**

Berkeley is a founding member and participates in the Executive Committee of the Bay Area Climate Adaptation Network (BayCAN), a network of local government staff helping coordinate an effective and equitable response to the impacts of climate change. BayCAN works to share best practices, develop opportunities for collaboration and program implementation, and secure funding and resources for equitable climate adaptation.

## Climate Action at UC Berkeley and The Berkeley Lab

UC Berkeley and the Berkeley Lab are not included in Berkeley's GHG emissions inventory because their campuses are outside of the City's jurisdiction. However, both institutions track their own emissions reduction goals and are engaged community partners in addressing climate change. UC Berkeley and the Berkeley Lab have completed their 2022 GHG inventories and they provide additional information on their climate action progress in their 2022 Sustainability Reports<sup>16</sup>.

The Berkeley Lab has partnered directly with the City on several innovative sustainability projects including building data management tools, zero-net energy analysis of municipal buildings, and a Building Performance Standard (BPS) policy analysis for the development of energy upgrade requirements through BESO. The City of Berkeley also participates in the Berkeley Lab Community Advisory Group (CAG).

### BACKGROUND

In recognition of the climate crisis, the City added additional climate goals to bolster the Climate Action Plan goal of reducing greenhouse gas emissions below 2000 levels by the year 2045. Berkeley's goals include:

- **Fossil Fuel Free Berkeley:** In June 2018, the City Council referred a proposed resolution to the Energy Commission and Transportation Commission to further implement the Climate Action Plan and establish a goal of becoming a Fossil Fuel Free City.
- **Climate Emergency:** On June 12, 2018, the City Council adopted a Climate Emergency Declaration.
- **Net-Zero Carbon Emissions:** In 2018, Mayor Arreguín announced the City's intention to achieve zero net carbon emissions by 2045, in alignment with California state-wide goals.
- **Race to Zero:** In 2021, Berkeley City Council adopted a resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO<sub>2</sub>e, committing to reduce emissions 60.5% from 2018 levels by 2030.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City's Climate Action Plan, Resilience Strategy, Local Hazard Mitigation Plan, and Strategic Plan all contribute to advancing the community towards a clean and resilient energy future that successfully meets Berkeley's climate goals. The City is actively working to advance a just transition to becoming a fossil fuel-free City, through projects

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<sup>16</sup> UC Berkeley 2022 Sustainability Report: <https://sustainabilityreport.ucop.edu/2022/locations/uc-berkeley/> and the Berkeley Lab 2021 Sustainability Report: <https://sustainabilityreport.ucop.edu/2021/locations/lawrence-berkeley-national-lab/>

such as the \$1.5 million Just Transition Pilot Program and the High Road Training Partnership.

#### POSSIBLE FUTURE ACTION

This report provides the City Council with an update on GHG emission trends, an overview of associated current activities, and efforts underway to accelerate the rate of GHG emission reductions to reach Berkeley's increasingly ambitious climate goals. The Climate Equity Fund and Just Transition Program are examples of valuable opportunities to pilot programs that can eventually scale to continue to achieve equitable GHG emissions reductions.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Mitigation of GHG emissions within Berkeley and adapting to the impacts of climate change are interrelated. Current investment to reduce community-wide emissions and enhance climate adaptation and resilience, such as the Climate Equity Fund Pilot Projects and the Just Transition Pilot Project, will help reduce the costs of addressing the impacts of climate change in the future. Staff are closely monitoring the applicability and availability of regional, State and Federal funding to support the transition away from fossil fuels and other opportunities to clean energy and climate resilience goals.

#### CONTACT PERSON

Billi Romain, Manager, Office of Energy & Sustainable Development, 510-981-9732  
Ammon Reagan, Community Services Specialist II, Office of Energy & Sustainable Development, 510-981-7416

Katie Van Dyke, Climate Action Program Manager and Chief Resilience Officer, Office of Energy & Sustainable Development, 510-981-7403





Civic Arts Commission

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Dana Blecher, Chairperson, Civic Arts Commission  
 Subject: Civic Arts Commission FY24 Work Plan

INTRODUCTION

The Civic Arts Commission has updated its work plan, which outlines Commission objectives for Fiscal Year 2024 (FY24) based upon goals articulated in the *City of Berkeley Arts & Culture Plan (2018 - 2027 Update)* and reflective of previously initiated projects that are already under way. This work plan includes a variety of objectives in three civic arts areas: Policy, Grants, and Public Art.

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on July 19, 2023, the Civic Arts Commission unanimously approved a recommendation to approve the FY24 Civic Arts Commission Work Plan, which is used to guide the Commission's work throughout the year.

Action: M/S/C (Passmore/Anno) to approve the FY24 Civic Arts Commission Annual Work Plan with change to wording of second item listed under Public Art Subcommittee to: "Complete backlog of public art projects identified in previous fiscal years Attachment 1) and the Public Art Master Plan before initiating new public art projects for implementation by Civic Arts staff."

Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ibarra, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None. Public Comment: 0

BACKGROUND

See the Civic Arts Commission Annual Work Plan FY 24 (Attachment 1).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Through the Municipal Artist-in-Residence Program, artist Cheryl Derricotte is working with the Planning Department's Climate Equity Pilot Project to creatively support the project's community engagement and coalition building efforts. For the other FY24 Civic Arts Commission Work Plan projects and initiatives there are no environmental sustainability or climate impacts identified as a result of this plan.

POSSIBLE FUTURE ACTION

Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

Jennifer Lovvorn, Commission Secretary, Civic Arts Commission, (510) 981-7533

Attachment: 1: FY24 Civic Arts Commission Work Plan



Civic Arts Commission

## **Civic Arts Commission FY24 Work Plan**

Approved by Civic Arts Commission: July 19, 2023

### **Policy Subcommittee**

1. Participate with staff and in consultation with the Housing Advisory Commission to advise on the development of a program and process for certifying Artists and Cultural Workers for eligibility for affordable artist housing culminating in a referral response to City Council and advocacy to fund a resulting affordable housing program.

### **Grants Subcommittee**

1. If funding is awarded to the City of Berkeley by the National Endowment for the Arts, participate with staff in development of a new Arts Program Grant which would provide grants to support art programs within non-arts nonprofit organizations in Berkeley.

### **Public Art Subcommittee**

1. Participate with staff in the development of a Public Art Master Plan for the City of Berkeley with input from the community and other stakeholders, which will provide a framework for developing new public art projects and funding for community-initiated public art projects.
2. Complete backlog of public art projects identified in previous fiscal years FYs 19-23 (Attachment 1) and the Public Art Master Plan before initiating new public art projects for implementation by Civic Arts staff.
3. Explore a possible amendment to the “Public Art in Private Development Ordinance” to facilitate the creation of permanently affordable venues for nonprofit arts organizations and affordable housing for artists and cultural workers within private development.
4. Participate with staff to update the Public Art Guidelines to reflect best practices and recommend corresponding updates to the Municipal Code where relevant.

**Attachment 1: List of Public Art Projects Included in Previous Fiscal Years (FY19 – FY23)  
Work Plans**

Active:

1. Mildred Howard sculpture at Adeline and MLK
2. Jean LaMarr sculptural seating and grinding rock at Ohlone Park
3. Turtle Island Monument
4. Peace Wall Conservation
5. Utility Box Mural Program (Assessment and Implementation of Recommendations)
6. Cube Space Exhibitions (Ongoing)
7. BART Plaza Sound Installation (Ongoing programming and equipment repair)
8. Municipal Artists in Residence (Ongoing)
9. Po Shu Wang Signage and Bell
10. Framed Art Purchases for City Buildings
11. Berkeley Art Works Projects
12. Homelessness Social Practice Project 1
13. Homelessness Social Practice Project 2
14. Homelessness Social Practice Project 3
15. Lara Kaur artwork at West Service Center
16. Re-installation of Romare Bearden artwork
17. John Wehrle mural conservation
18. Aquatic Park tile wall
19. Aquatic Park sculpture
20. Home sculpture de-installation

Not Started:

1. Santa Fe ROW
2. South Berkeley Senior Center
3. MLK Youth Service Center
4. Willard Clubhouse
5. African American Health Resource Center
6. Eric Powell Gates Assessment
7. City Flag, Song, and Motto
8. Telegraph Crosswalk Murals
9. Telegraph Avenue Public Art Project
10. Council Referral for Family Friendly Art
11. Hidden Gems in Berkeley Hills
12. Mural Commemorating Black Lives Matter Movement
13. Replacement Mural for Center for Independent Living
14. Harrison Street Corridor Project



Office of the City Manager

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Housing Advisory Commission  
 Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission  
 Subject: Housing Advisory Commission Work Plan Fiscal Year 2024

INTRODUCTION

The Housing Advisory Commission (HAC) submits its Fiscal Year (FY) 2024 work plan to the City Council as an information item (Attachment 1).

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year. Commission work plans were suspended during the past two fiscal years due to the COVID pandemic. The requirement to prepare commission work plans was reinstated for FY 24 (July 1, 2023 – June 30, 2024).

At its October 5, 2023 meeting, the HAC approved its FY 2024 work plan with the following vote:

Action: M/S/C (Johnson/Ortiz-Cedeño) to adopt the 2023-2024 work plan, as amended.

Vote: Ayes: Braslaw, Fain, Johnson, Ortiz-Cedeño, Potter, and Simon-Weisberg. Noes: none. Abstain: none. Absent: Calavita (unexcused), Mendonca (excused).

The goal of the work plan is to recommend to the City Council affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley.

The FY 2024 work plan goal will be achieved through the following work plan activities:

1. Convene ad hoc year-round subcommittees to work with staff on proposed HTF allocations and Community Development Block Grant (CDBG)-funded public facilities improvements and make funding recommendations to the full HAC.
2. Develop an ordinance regarding fair access and transparency for rental housing applications for City Council consideration.

3. Work with the Civic Arts Commission, via a subcommittee that meets together or concurrently, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.
4. Undertake a process to: a) better inform the HAC about Emergency Shelter/Solutions Grant (ESG) and CDBG-funded agencies, programs, and funding needs, and b) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.
5. Explore a subcommittee that meets together or concurrently with the Disaster and Fire Safety Commission, or other appropriate bodies, on Housing and Wildfire Risk.
6. Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
7. Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Policy discrimination study report (if funded), etc.

### BACKGROUND

The FY 2024 work plan reflects the HAC's mission to:

1. Advise the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
2. Recommend to the City Council Housing Trust Fund (HTF) allocations;
3. Serve as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
4. Review and make recommendations on items referred by the City Council, HAC members, or other commissions.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### POSSIBLE FUTURE ACTION

The HAC will continue to work on this Work Plan in order to refine potential outputs, outcomes, activities, and required resources.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

It is possible that adoption of new housing-related programs or policies stemming from City Council referrals or City Council-adopted HAC recommendations could result in fiscal impacts to the City.

CONTACT PERSON

Anna Cash, Commission Secretary, HHCS, (510) 981-5403

ATTACHMENTS:

1: Housing Advisory Commission FY 2024 work plan



Housing Advisory Commission

## **FY 2024 HOUSING ADVISORY COMMISSION WORK PLAN**

### Mission Statement:

The Housing Advisory Commission:

1. Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
2. Recommends to the City Council Housing Trust Fund (HTF) allocations;
3. Serves as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
4. Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

1. Hears matters regarding abatement of substandard buildings pursuant to chapter 19.40; and
2. Serves as the appeals board for relocation and correction of code violations as provided in chapter 19.40.

When advising the City Council, the HAC is committing to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice lens.

### Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism and inequity in the city of Berkeley as outlined in HAC's FY 2024 work plan.

### FY 2024 Work Plan Activities:

1. Convene ad hoc year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
2. Develop an ordinance regarding fair access and transparency for rental housing applications for City Council consideration.
3. Work with the Civic Arts Commission, via a subcommittee that meets together or concurrently, regarding proposed artist housing initiatives for HAC's and the



Civic Arts Commission's approval and City Council consideration of any recommended initiatives.

4. Undertake a process to: 1) better inform the HAC about ESG and CDBG-funded agencies, programs, and funding needs, and 2) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.
5. Explore a subcommittee that meets together or concurrently with the Disaster and Fire Safety Commission, or other appropriate bodies, on Housing and Wildfire Risk.
6. Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
7. Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Policy discrimination study report (if funded), etc.

Outcomes:

1. HTF monies pledged to affordable housing projects serving families and housing-insecure households
2. CDBG-funded public facilities constructed in support of non-profits
3. Adoption of a Fair Access and Transparency for Rental Housing Application Ordinance
4. Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure
5. Five-Year and Annual CDBG/ESG Plans and funding recommendations that are grounded in service to the city's low-income and historically marginalized residents
6. Recommendations about protecting low-income residents from wildfire hazards
7. Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices, particularly those of low and moderate income
8. Review workplan progress quarterly.



## **Communications – December 12, 2023**

*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.*

### **Martin Luther King Jr. Way**

1. David Lerman

### **Policing**

2. Gregory Kalkanis

### **Public Information**

3. Mary Behm-Steinberg

### **Housing Voucher**

4. Sameerah Karim

### **URL's Only**

5. Vivian Warkentin (2)

### **Tenants Opportunity to Purchase Act**

6. Diana Bohn

### **Repaving Francisco Street**

7. David Lerman

### **Civil Rights**

8. Lavell Young

### **Winter Shelter**

9. Elana Auerbach
10. Boona cheema
11. Moni Law

### **Israel and Gaza Conflict**

12. Alejandro Garcia-Paredes
13. Angie Chang
14. Rachel Noel
15. Madeline Pignetti
16. Karen Carroll
17. Boba.bunny05@
18. Greg Garcia-Wilson
19. Steven Lipson
20. Madeline Weinstein
21. Jessica Login

22. Dianna Dar
23. Youval Dar
24. Bryan Weiss
25. Mollie Mindel
26. Deborah Fink
27. Yael Galinson
28. Doni Katz
29. Offer Grembek
30. Jaimie Baron
31. Talia Nagar
32. Elana Naftalin-Kelman
33. Howard Miller
34. Ariel Berson
35. Dan Alter
36. Ayana Davis
37. Alexia Murillo Amezcua
38. Desmid Lyon
39. Andrew Fine
40. Clara Weinstein
41. Orli Loewenberg
42. Raphael Goldman
43. Karen Weil (2)
44. Daniel Frydman
45. Katrin Youdim
46. Emma
47. Leah Rosenthal
48. Tal Garner
49. Sophie
50. Summer Brenner
51. Liberty Schubert
52. Ilana Pearlman
53. Jessica Pearlman
54. Rita Minas
55. Wenrick Family
56. Philippa Kelly
57. Rabbi Chai Levy
58. Elana Auerbach
59. Cris Arguedas
60. Vanessa Davis
61. Meital Mashash
62. Noga Alon
63. Dahlia Frydman Tenenbaum
64. Aviva Gilbert
65. Jenna Lewis
66. Chiara Juster
67. Seth Engel

68. Jennifer Burt
69. Mollie Mindel
70. David Kilimnik
71. Miriam Schultz
72. Rachel Friedman
73. Daniel Green
74. Forouzan Khalili
75. Daniel Green
76. Shira Rome
77. Sarah Crow
78. Kasaia Luckel
79. Arielle Hassid
80. Richard Taylor
81. Vincent Casalaina
82. Rabbi Cat Zavis
83. Rena Greenfield
84. Abby Maimon
85. Arbel Shemesh
86. Ella Lachman
87. Traci Moren
88. Nora Shourd
89. Debbie Tuttle
90. 931 similarly-worded form letters – Vote No on November 28 (Letters are on file at the City Clerk’s Office)
91. 302 similarly-worded form letters – Resolution for Ceasefire and Solidarity with Palestine (Letters are on file at the City Clerk’s Office)
92. 14 similarly-worded form letters – Ceasefire Now (Letters are on file at the City Clerk’s Office)

**Benado, Tony**

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**From:** david lerman <415justice@att.net>  
**Sent:** Wednesday, November 22, 2023 1:44 AM  
**To:** All Council; Gerstein, Beth; Manager, C  
**Subject:** New Dangerous Obstacles on MLK Jr. Way

**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:

I was disappointed driving down MLK Jr. Way this evening, to observe and encounter, truly horrible reconfigurations of the street, and a large number of freshly constructed concrete obstacles/booby traps. Many cars were slamming on the brakes and swerving unpredictably in tight areas in efforts to avoid crashing into each other. These obstacles distract drivers from paying attention to bikes and pedestrians.

While I had seen some excavation in the middle of the street recently, I had no idea that such a dangerous project was underway.

MLK Jr. Way between Dwight Way and Ashby has been turned into a dangerous obstacle course. The varied collection of unpredictable and unexpected concrete obstacles in the middle of the street is truly frightening. These objects WILL cause accidents and injuries. The obstacles make it very challenging to drive down the street in a car, harder in an SUV, and almost impossible in a truck or a bus. The reduction in lane spaces, and sharp and unexpected swerves that have to now be made will force vehicles into the path of other vehicles, including cars, trucks, buses, bicycles and pedestrians alike.

\*It is not clear to me what the goal of this project was. I suspect that the changes were ostensibly done to improve pedestrian safety, but I believe that they will actually make the street more dangerous for cars, trucks, buses, bicycles and pedestrians. There are other better and safer more conventional improvements that can be made for pedestrian safety. Forcing vehicles to swerve from side to side in tight areas in multiple places is not safer for anyone. Drivers will hit the concrete obstacles, lose control of their vehicles, and crash into other vehicles and pedestrians.

\*This is a poorly designed and very dangerous project that must be demolished quickly. There is not enough room in the streets to accommodate the lanes of traffic, the concrete obstacles, bicycles and pedestrians. We need more conventional proven modifications to make MLK Jr Way safer for everyone. For starters, the lights should not be timed to encourage people to speed down the street. I have observed lots of traffic driving over the speed limit because this often allows drivers to hit green lights the whole way down MLK from Allston to Ashby.

This project reminds me of the disaster constructed at the intersection of The Alameda and Hopkins where multiple concrete obstacles were constructed into the middle of the intersection. \*I am, however, glad that this hazardous mess has been somewhat

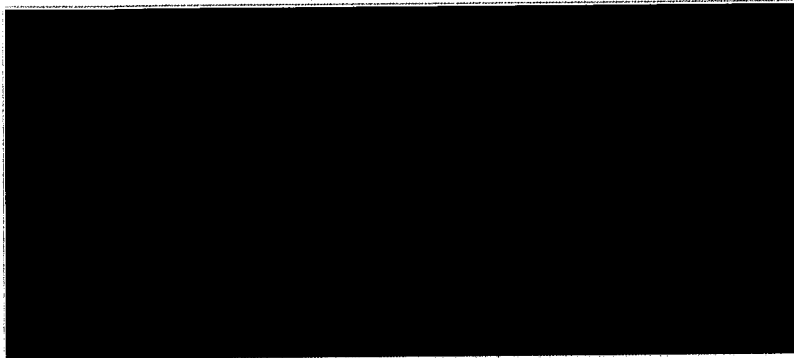
mitigated by the implementation of my suggestion years ago, to drop orange safety cones on those obstacles.

I urge the city to demolish the newly built concrete hazardous obstacles on MLK Jr. Way before anyone is seriously injured or killed as because of them.

Why does Berkeley routinely insist on implementing the most creative and unpredictable road and traffic designs?

The Manual on Uniform Traffic Control Devices seeks to establish uniform and predictable traffic patterns to improve safety.

Manual on Uniform Traffic Control Devices (MUTCD) - FHWA



**Manual on Uniform Traffic Control Devices (MUTCD)  
- FHWA**

<https://mutcd.fhwa.dot.gov/>

Non-uniform experimental roadway designs are dangerous and should not be implemented without careful vetting and proofs of concept. Berkeley's unconventional approach to traffic engineering is often contrary to the stated design safety goals of the federal government.

Berkeley needs to stop wasting money on unconventional, dangerous, and expensive street modifications, that change from block to block, and instead invest in more conventional and predictable uniform traffic control and street paving.

I hope that the new Director of Public Works will spend our money on safer and better, uniform designs.

Best regards,

David Lerman

**Benado, Tony**

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**From:** Gregory Kalkanis <gkalkanis@yahoo.com>  
**Sent:** Monday, November 20, 2023 7:54 PM  
**To:** All Council  
**Subject:** Police violence

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 Berkeley City Council  
From: Gregory Kalkanis  
Regarding: Police Violence  
Date: Monday 20 November 2023

Dear Mayor Arreguin and Berkeley City Council Members:

Please initiate policies to have the police patrol unarmed and on foot. The present system of policing in Berkeley has led to two fatalities in the last two months. The emphasis of the policing system should be on prevention instead of responding to emergencies. The police officers should walk the streets of the community and make acquaintance with the members of the community. The police officers' authority comes from their badge not from the threatened violence of the weapons they carry. My partner and I have lived in our present Berkeley residence since 2016 and I have not seen a police officer walk past our building nor have I spoken casually to a Berkeley police officer in that time. Occasionally a police cruiser drives by or I witness groups of police on bicycle or even riding electric scooters but they make every effort to ignore members of the public. The emphasis on reacting to emergency calls does little to discourage crime because those who are arrested and convicted have even fewer opportunities upon release from confinement.

Best Regards,  
Gregory Kalkanis, District 3



**Benado, Tony**

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**From:** Mary BehmSteinberg <marybehmsteinberg@gmail.com>  
**Sent:** Tuesday, November 21, 2023 2:38 AM  
**To:** All Council; City Clerk  
**Subject:** Re: Illegal withholding of public information, Brown Act violations

**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 cc'd the tenant in question on this message and they replied that they were not actually vomiting blood, which is what I had believed they said. Apologies for the misunderstanding.

On Mon, Nov 20, 2023 at 7:38 PM Mary BehmSteinberg <marybehmsteinberg@gmail.com> wrote:  
 Dear Council,

It is with great sadness and disgust that I write yet again, this time about blatant violations of the public's right to obtain city documents and the Brown Act.

I had to be downtown for personal business today, and while I was there, I stopped into the City Clerk's office to inquire about public record request # 23-1278, which came back with the note "The City of Berkeley has determined that no responsive documents exist for the specified request." (Attachment A)

The problem with this is that I know for a fact that records exist, because I am one of several people who contacted the City about them. The request was made by someone other than myself, who asked me about it. The original request is attached, and concerned a building that is rife with health and safety violations, including aspergillus levels higher than those in New Orleans post Katrina (also attached, along with correspondence documenting that City inspectors were pressured by the Mayor's office to open the building in spite of a faulty sprinkler system).

When I went to the clerk's office this afternoon, I was told that records requests go through specific departments, and that that one was handled by the City Attorney's office. I informed the person who assisted me that this was illegal, and gave a notice of liability. I'm still waiting for an answer on legal consultation, but I believe that anyone knowingly violating or being an accessory to a violation of this sort is legally liable, and I let her know, while assuring her that I realized that none of this was her fault. I told her that it might be a good idea to inform her supervisors about this fact.

Having seen that today's Council meeting was about a Council performance review of the City Attorney, I decided that this would be an important meeting to attend. I noticed that several remote locations were listed, and one was on my way home, so I went, smiled, and knocked on the door.

Councilmember Kesarwani's family was charming, but had no idea what I was talking about, so they called her. She told me she wasn't attending and shut the door in my face. She looked like she had business attire on, so I was confused as to why she would be shirking her basic responsibilities (again) as a Councilmember. I also noticed that nowhere on her property was the meeting properly noticed, as legally required.

I didn't want to miss the meeting, so I sat outside on the corner and dialed in. I have tremors sometimes, and was having a hard time holding my phone. Public comment was taken, and one person commented live. The Mayor tried to close public comment, but I kept pushing the "raise hand" button as I was being ignored and was concerned that with my tremors, I wasn't pressing the right place on the screen, or hard enough. I heard "block?" and someone hung up on me.

Now, I once noticed a meeting myself on my property as a Commissioner when I was sick before a meeting, then when I felt better tried to go to the main location, unaware at the time that once a meeting is noticed remotely, it must be held there or the meeting must be called off. The meeting was promptly cancelled, ***as a meeting noticed at any remote location must be open to the public. As this one wasn't, I believe you have to hold another performance review for the City Attorney.***

None of this is good public governance, nor is it legal, and it further demonstrates the complete disregard that this Council has shown for buildings that turn out to be public health hazards. In spite of ample evidence to the contrary, it seems, there's nothing to see here.

This isn't the first time that the City Attorney's office pulled such a stunt either. I made a public information request about extensive, dangerous ADA violations at the Pathways STAIR Center, and my request was closed with a paltry handful of documents. I had to make new requests. The City still hasn't ethically resolved this, and has locked out not only myself, as one of the few disabled Commissioners that could spot the numerous violations, but representatives from the CIL, SDA, Gray Panthers, and Friends of Adeline. I'm thankful that the NAACP is taking an interest as well, but meanwhile, the City continues to remake this facility without adequate input, knowing that it won't be up to code and refusing access to those who could ensure that non-conforming at least meant that it would be safe, and that people would no longer be at risk of shakedowns for their meds or being trapped in bed in their own waste. Now, the City is facing a broader lawsuit about destroying unhoused peoples' medications on the street to force them into "shelter" like Pathways, and the building listed above.

To make matters worse, and also as a comment on the City Attorney's terrible advice, unlike San Francisco, the City refuses to allow its immune compromised disabled commissioners accommodation to avoid exposure to COVID when they are trying to participate remotely at home. Ironic, when one considers Councilmember Kesarwani's attempts to flout the very same Brown Act that the City claims to be defending (also in litigation now). Of course, while the City is busy flagrantly ignoring their own fire marshal's report when it comes to substandard ambulance response times which are worsening with increasing road diets as population mushrooms (and mushrooms grow out of the walls of poorly constructed buildings), disabled commissioners are that much more vital to the conversation. I suppose that's why we're not welcome, especially with elections coming up next year.

I am open to providing much more specific information to any interested journalists or litigants, including about what appear to be serious reprisals against the tenant that brought up the mold issues (and who now reports vomiting blood on a weekly basis, along with their young child). Perhaps that's the only way to get transparency in this City. Because sadly, it was nowhere to be found today.

Respectfully,  
Mary Behm-Steinberg  
Chair  
Human Welfare and Community Action Commission (HWCAC)  
(Speaking solely as an individual)

**Benado, Tony**

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**From:** Sameerah Karim <sameerahkarim@yahoo.com>  
**Sent:** Monday, November 20, 2023 6:00 PM  
**To:** All 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.

Hello Mayor Arreguin,

My name is Sameerah M. Karim. I was born and raised in the Bay Area (Oakland to be exact) and I am currently homeless. I lost my voucher for Housing in 2018 and it has been a hell of a ride ever since. I have been to hell and back and I am just looking for housing. I have applied to every waitlist there is! I am currently an activist/organizer for Moms 4 Housing and I am applying to Samuel Merritt's BSN program this Nov. I am on every waitlist there is but all these waitlist are like 3, 4, and 5 years long. I used to live on Gilman street but I moved to Richmond and that's when I lost my housing because my son turned 18 and they told me I need to go from a two bedroom to a one bedroom but there was absolutely NOTHING available and I kept applying for extension after extension and ultimately, they took my voucher. I was wondering could I go through you for any type of low income housing assistance or available vacancies within your city? I really love Berkeley and want to be a resident here again. Is there any type of city work I can do that would get me closer to obtaining a place? Do you have any inside pull that you wouldn't mind extending to me? I would most certainly appreciate your help!

Thank you for your time and have a blessed day!

Sameerah Karim

[sameerahkarim@yahoo.com](mailto:sameerahkarim@yahoo.com)

Sameerah Karim

[sameerahkarim@yahoo.com](mailto:sameerahkarim@yahoo.com)

**Benado, Tony**

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**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Tuesday, November 21, 2023 5:22 PM  
**To:** All Council  
**Subject:** Connecticut City Rejects 5G Citing Evidence of Health Risks • Children's Health Defense

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<https://childrenshealthdefense.org/defender/stamford-connecticut-rejects-5g-health-risk/>

**Benado, Tony**

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**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Sunday, November 26, 2023 3:37 PM  
**To:** All Council  
**Subject:** GE Soil Microbes New Target for Agrichemical Companies - Institute for Responsible Technology

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Can scientists do anything they want?

<https://responsibletechnology.org/ge-soil-microbes-new-target-for-agrichemical-companies/>

**Benado, Tony**

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**From:** Diana <nicca@igc.org>  
**Sent:** Sunday, November 26, 2023 3:14 PM  
**To:** All Council  
**Subject:** Be sure to put TOPA on agenda for next Council meeting

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 hhope you are in favot of TOPA. Look forward to seeing it on the agenda for Dec. 4.  
Thank you!  
Diana Bohn  
94707

**Benado, Tony**

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**From:** david lerman <415justice@att.net>  
**Sent:** Sunday, November 26, 2023 1:21 PM  
**To:** PWWorks; Manager, C; All Council; Gerstein, Beth  
**Subject:** Repaving of Francisco Street and replacement of water and sewer lines

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

Francisco Street between MLK and Sacramento in one of the few East-West routes for emergency vehicles. It is also one of the many streets that has not been repaved for decades.

It is my understanding that EMBUD plans to replace the crumbling water lines on our street within the next 12 months.

I suggest that the City of Berkeley arrange to also replace the sewer lines on this street in the next 12 months.

The entire street needs to be repaved ASAP.

The city should coordinate completion of water line and sewer line replacements BEFORE repaving the street in 2024.

Please confirm that this work is being planned and coordinated with EBMUD and Public Works.

If you need a new Public Works Director to coordinate this and other work, I am interested in the position.

Sincerely,

David Lerman

**Benado, Tony**

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**From:** Lavishly Datnigga <lavishlyd926@gmail.com>  
**Sent:** Friday, November 24, 2023 12:43 PM  
**To:** City Clerk  
**Subject:** Re: Racist, sexist, hate crime that is violating my civil rights

**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 my name is Lavell Young. I am currently in the city of Berkeley and I have been persecuted by all shapes and fashion of disrespect, thievery and defame within your city by city officials, the fire department, and the police. I have been falsely accused and arrested for crimes I haven't committed to even being mentally played with by some of your fake officers assisting pedophiles and car thieves because they too allowed themselves to be placed within a game where the women like to be raped and falsely accused people if they feel that their genitals is not the size they want. They are brainwashing people by saying it's a movie so people won't ask any questions about what's going on. I have video evidence. As seen on my Facebook. I've constantly asked for help and without prevail peril has entered my life again by allowing two women to steal my new dodge charger. R/t silver smoke grey in color . I'm fed up with the disrespect that your city has shown me and I plan on suing because you guys won't help me and I'm not in no movie. My Facebook is <https://www.facebook.com/profile.php?id=100075275131391&mibextid=ZbWKwL>. Check it out. I speak truth

On Fri, Nov 24, 2023, 12:37 PM Lavishly Datnigga <lavishlyd926@gmail.com> wrote:

Hello my name is Lavell Young. I am currently in the city of Berkeley and I have been persecuted by all shapes and fashion of disrespect, thievery and defame within your city by city officials, the fire department, and the police. I have been falsely accused and arrested for crimes I haven't committed to even being mentally played with by some of your fake officers assisting pedophiles and car thieves because they too allowed themselves to be placed within a game where the women like to be raped and falsely accused people if they feel that their genitals is not the size they want. They are brainwashing people by saying it's a movie so people won't ask any questions about what's going on. I have video evidence. As seen on my Facebook. I've constantly asked for help and without prevail peril has entered my life again by allowing two women to steal my new dodge charger. R/t silver smoke grey in color . I'm fed up with the disrespect that your city has shown me and I plan on suing because you guys won't help me and I'm not in no movie. My Facebook is <https://www.facebook.com/profile.php?id=100075275131391&mibextid=ZbWKwL>. Check it out. I speak truth



**Benado, Tony**

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**From:** Elana Auerbach <elanaarobyn@gmail.com>  
**Sent:** Monday, November 27, 2023 8:15 AM  
**To:** Arreguin, Jesse L.; All Council; Harrison, Kate  
**Subject:** Winter Shelter?

**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 morning~

I hope you had a restful and joyous holiday weekend.

When will the Winter Shelter open? I'm shivering when I get out of bed these days and I have central heat in my home. My thoughts go immediately to those who are living on our streets, many of them seniors and many of them with disabilities. No one should be left out in the cold. We are a wealthy city and must provide ongoing winter shelter starting as soon as possible.

Please open the winter shelter from 6pm to 9am every day until the weather warms up in the spring. Please offer this humane and reliable refuge to our unhoused neighbors.

Thank you for prioritizing this request.  
Elana Auerbach

**Benado, Tony**

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**From:** boona cheema <boonache@aol.com>  
**Sent:** Monday, November 27, 2023 2:20 AM  
**To:** Berkeley Mayor's Office; All Council  
**Cc:** Berkeley Community Safety Coalition; Dorothy Day House; Berkeley Outreach Coalition; Warhuus, Lisa; Williams-Ridley, Dee; Paul Kealoha Blake; Buell, Jeffrey; Works-Wright, Jamie; RCJR Google; Louis, Jennifer A.  
**Subject:** winter shelter

**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.

Jesse please show your empathy and compassion which you have plenty off by making the winter shelter be open every night from 6pm until 9 am.

It seems cruel to me that people who are not in encampments have to somehow figure out "which nights" the shelter will open. Its crazy for staff who monitor the program with such compassion and empathy and devastating for folks who will be out in the cold.

All of us housed folks feel the cold especially at night and early mornings all winter .and turn on the heat...unfortunately our unhoused folks do not have heaters nor a roof over their heads. Winter is also the time when those of us housed or unhoused experience Seasonal Affective Disorder a deeper depression.

I am in India until December the first and the city I am in called Chandigarh will begin putting up army tents with heaters in December.

Our great city always finds money. FIND THE MONEY be humane, compassionate and merciful.

In Peace

boona cheema

**Benado, Tony**

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**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Monday, November 27, 2023 2:47 AM  
**To:** City Clerk; boona cheema  
**Cc:** All Council; Berkeley Community Safety Coalition; Berkeley Outreach Coalition; Williams-Ridley, Dee; Dorothy Day House; Works-Wright, Jamie; Buell, Jeffrey; Louis, Jennifer A.; Warhuus, Lisa; Berkeley Mayor's Office; Paul Kealoha Blake; RCJR Google  
**Subject:** Re: winter shelter urgent: proper hours and standards of what prompts shelter opening

**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:

I concur with boona's sentiments. I've often wondered why the refugee /military camp heated tents are not requested from the state National Guard for the winter. It is inhumane and cruel to force hundreds of our unhoused neighbors to leave a shelter early in the morning or not open unless the temperature is below 40 Degrees.

Men, women and children will suffer and too many die on Berkeley streets from exposure to the harsh elements. We can prevent this suffering.

Please mandate appropriate funding and services. I've participated in supportive 'over night vigils' at Here/There camp, BART Plaza and Old City Hall. It was freezing cold, miserable, rats scattering around, nowhere to use a restroom.

Berkeley values require better.

Sincerely,

Moni T. Law, JD  
 Chair, BCSC

On Mon, Nov 27, 2023 at 2:19 AM 'boona cheema' via RCJR\_Active <[rcjr\\_active@googlegroups.com](mailto:rcjr_active@googlegroups.com)> wrote:  
 Jesse please show your empathy and compassion which you have plenty off by making the winter shelter be open every night from 6pm until 9 am.

It seems cruel to me that people who are not in encampments have to somehow figure out "which nights" the shelter will open. Its crazy for staff who monitor the program with such compassion and empathy and devastating for folks who will be out in the cold.

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I am in India until December the first and the city I am in called Chandigarh will begin putting up army tents with heaters in December.

Our great city always finds money. FIND THE MONEY be humane, compassionate and merciful.

In Peace

boona cheema

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You received this message because you are subscribed to the Google Groups "RCJR\_Active" group.

To unsubscribe from this group and stop receiving emails from it, send an email to

[rcjr\\_active+unsubscribe@googlegroups.com](mailto:rcjr_active+unsubscribe@googlegroups.com).

To view this discussion on the web visit

[https://groups.google.com/d/msgid/rcjr\\_active/529815233.6654041.1701080374245%40mail.yahoo.com](https://groups.google.com/d/msgid/rcjr_active/529815233.6654041.1701080374245%40mail.yahoo.com).

For more options, visit <https://groups.google.com/d/optout>.

**Benado, Tony**

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**From:** Alejandro Garcia-Paredes <alegarpa92@gmail.com>  
**Sent:** Tuesday, November 21, 2023 9:32 AM  
**To:** All Council; +clerk@cityofberkeley.info  
**Subject:** Stop Isreal committing Genocide 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 Members of the City Council,

We demand you pass a resolution calling for a cease fire to stop the genocide Israel is committing in Gaza.

Berkeley is supposed to be the shining beacon of progress. How does it look when it's okay with Genocide?

Pass a resolution like Richmond did calling for a ceasefire. Stop being cowards and have a heart please.

Best,  
Alejandro

**Benado, Tony**

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**From:** Angie Chang <angiechang@gmail.com>  
**Sent:** Wednesday, November 22, 2023 1:07 AM  
**To:** All Council  
**Subject:** For 11/28/23 mtg, public comment on Items #86-88 WRT Ceasefire

**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 Taiwanese-American resident of Berkeley. We need Berkeley city council leadership to call for immediate ceasefire & express solidarity for Palestinians experiencing extreme violence (the energy of two atomic bombs have besieged Gaza since Oct. 7, while the occupied West Bank erupts with illegal Israeli settler violence & Israeli military abuse of Palestinians).

The Israeli right-wingers indiscriminately bombs millions of civilians in Gaza to claim a high "terrorists eliminated" count on right-wing TV, while innocent Gazans families are crushed to death in their bombed multi-story homes, their hospitals ran out of anesthesia (e.g. pregnant women experience C-sections, children & adults receive amputations without painkillers). Basically every American looking at Instagram & TikTok watches the graphic wartime story every day in Gaza until ceasefire is called. I have been devastated that American leadership (Biden) has promoted disinformation & gaslit Palestinians just like the Israeli hasbara propaganda machine.

I have volunteered in Gaza for a startup bootcamp many years ago & fondly remember Gazans as warm, funny humans. It breaks my heart daily to see Gazans falsely conflated with Hamas militants & US tax dollars helping Israel bomb (and starve) 2.2 million civilians in Gaza as collective punishment for Hamas atrocities.

<https://thisgirlangie.medium.com/gazan-women-in-tech-meeting-wordpress-developer-rola-zaqout-who-moonlights-with-bzzra-a-2a027cd7d140>

<https://theintercept.com/2023/11/15/intercepted-gaza-biden-netanyahu>

<https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid>

Angie Chang

**Benado, Tony**

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**From:** Rachel Noel <noelsanders468@gmail.com>  
**Sent:** Tuesday, November 21, 2023 1:45 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:** Urgency Item: Resolution for Ceasefire and Solidarity with 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 Council Members,

I am a close neighbor of the city of Berkeley and I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to 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. Within the greater context of the decades-long Israeli military occupation of the Palestinian people, and immediately following the October 7, 2023 attack by Hamas, the Israeli government declared "war" on Hamas. The IDF began indiscriminately bombing the Gaza strip, a 25 by 5-mile space dubbed "an open-air prison" that has been under complete blockade by Israel and the densely populated home of over 2.2 million Palestinian civilians, the majority of whom are refugees and descendants of refugees displaced from their Palestinian villages by Israel, and of whom over 47.5% are minors. As a result, the Israeli government has now been rightly accused of numerous war crimes by human rights groups and leaders of nations around the world. You have heard from countless members of Berkeley via Public Comment and email calling upon you, as the people's representatives, to pass this Resolution.

We, your constituents

Sent from my iPhone

**Benado, Tony**

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**From:** Madi Pignetti <madipignetti@gmail.com>  
**Sent:** Tuesday, November 21, 2023 2:23 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:** Ceasefire Resolution (Urgent)

**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 Council Members,

I am a Berkeley resident and home owner. I am writing to not urge, but BEG you to pass a formal resolution in solidarity with Palestine and Gaza. Over 13,000 people have already died, including over 5,000 children. We need to be doing everything we can to help our brothers and sisters in Gaza.

The Palestinian people are suffering from a genocide by Israel and the United States. The Berkeley City Council has the power to be on the right side of history. Please join us in calling for a ceasefire.

Join cities like Richmond, CA; Providence, RI; Cudahy, CA; and Easton, PA who have already passed Ceasefire resolutions. Some of my comrades have even drafted a ceasefire resolution for you, which they've shared in other emails.

Thank you for listening + for your work in representing the Berkeley community.

Sincerely,  
Madeline Pignetti  
94703



**Benado, Tony**

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**From:** Karen Carroll <karen18carroll@gmail.com>  
**Sent:** Tuesday, November 21, 2023 3:34 PM  
**To:** All Council  
**Subject:** Solidarity with 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.

I urge the Berkeley City Council to pass a resolution to a ceasefire in Gaza and getting food, water, and medical aid to the Palestinian civilians.

Berkeley can both stand up against anti-semitism and the rights of Palestinians.

Karen Carroll

**Benado, Tony**

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**From:** BobaBunny <boba.bunny05@gmail.com>  
**Sent:** Tuesday, November 21, 2023 5:55 PM  
**To:** All Council  
**Subject:** Ceasefire in 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.

As a Bay Area citizen I urge and beg you to call for a ceasefire in the Gaza Strip. Over 5,500 children have been brutally murdered in the past month and a half alone and more are dying by the minute. Thank you for your efforts.

**Benado, Tony**

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**From:** Grey Garcia-Wilson <garciawilsongrey@gmail.com>  
**Sent:** Tuesday, November 21, 2023 6:20 PM  
**To:** Wolan, Aleksandra; Bartlett, Ben; Gerstein, Beth; Naso, Christopher; All Council; Aguilar-Canabal, Diego; Pugh, Eliza; Panzer, Eric; Russell, Gordon; Wilson, Genevieve; Chang, James; McCormick, Jacquelyn; Harrison, Kate; McWhorter, Laurie; Skjerping, Lars; Berkeley Mayor's Office; Humbert, Mark; Hernandez Story, Ruben; Kesarwani, Rashi; Robinson, Rigel; Greenberg, Sam; Cerami, Sara; Elgstrand, Stefan; Hahn, Sophie; Wengraf, Susan; Posner, Tina; Taplin, Terry  
**Subject:** Urgency Item: Resolution for Ceasefire and Solidarity with 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.

**Benado, Tony**

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**From:** Steven Lipson <stevenlipson634@gmail.com>  
**Sent:** Wednesday, November 22, 2023 10:20 AM  
**To:** All Council; Wengraf, Susan  
**Subject:** Gaza 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 City Council Members,

I strongly oppose the adoption of a resolution calling for a cease fire in Gaza and regret that you have been forced to meet in private due to a small group of ideological protesters.

Please continue to work on problems that deeply effect Berkeley.

Thank you and have a good Thanksgiving holiday,

Steven M. Lipson  
634 Woodmont Avenue  
Berkeley, CA 94708

**Benado, Tony**

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**From:** Madeline Weinstein <madelinejw3@gmail.com>  
**Sent:** Sunday, November 26, 2023 7:07 PM  
**To:** All Council  
**Subject:** THANK YOU for standing strong!

**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 Arrequin and city council members of Berkeley,

I am a local resident and I wanted to share my profound gratitude to you for standing up against the bullying tactics of those who are pushing for Pro-Hamas resolutions from all governmental bodies. I know that it is very hard to not cave in to these very loud voices and I applaud your courage.

The issues surrounding the Israeli and Palestinian conflict are complex but it seems that many are allowing a few sound bites and the sentiment of their like minded friends to make them feel that they are experts on the crisis and in ascribing blame. At the very least, some acknowledgement of the pain Israelis are feeling -- with their loved ones already dead, or being held captive, would be the minimum one should expect if there was a true belief that "all lives are precious" Sadly, these chants to "Free Palestine" are devoid of any acknowledgment of Israeli/Jewish anguish.

Please continue to have a principled stand at this difficult time. I'm incredibly heartened to know that you are continuing to hold the line against these bigoted provocateurs.

Respectfully,  
Madeline Weinstein

**Benado, Tony**

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**From:** Jessica Login <jessicalogin@berkeley.net>  
**Sent:** Sunday, November 26, 2023 6:49 PM  
**To:** All Council  
**Subject:** no Middle East 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 Rashi, Terry, Ben, Mark, Sophie, Jesse, Kate, Rigel and Susan,

I am writing as a long time Berkeley resident, District 3, as a long time teacher in Berkeley Unified School District, as a parent of a BUSD student at Willard, and as a Jewish woman.

I am writing to ask that you do not make a resolution or statement about the Middle East. For a myriad of reasons, I do not support the City Council to do this. This is a very complicated issue, and a long standing conflict that actually requires quite a bit of time and effort to deeply understand. I do not defend violence, on either side. All human life is precious, on every side. Beyond that, I think you've all been elected to spend your time concerned with the city of Berkeley. Or, somehow make a decision you will be making statements about all global conflicts. To just do so for this one doesn't make any rational sense.

As a teacher, we are trained to stay thinking and not react, even when violence happens between students. We adopted a curriculum for social emotional learning that posits all students deserve to be listened to, deserve to actively learn social and emotional skills, and that quick under-researched judgements and punishments from adults usually stem from our unexamined biases. As a City Council, the residents expect at least a fair and caring governing body. One that will include all its citizens' well being in any decision or proclamation. Berkeley has a history of being on the front line of righteous advocacy. If you must make a statement, have it be in this spirit- that everyone deserves safety, everyone deserves a place to live, everyone deserves peace and profound understanding, and Berkeley supports all its citizens and fellow global citizens to this end. Anything short of this will create an increased division between us and more upset and confusion for our young people in the schools. We are reaching an untenable level on that score. Take a stand against division, upset and confusion!

Thanks,  
Jess Login  
2535 California St  
Berkeley 94703

Jess Login  
4th and 5th grade Science  
Malcolm X Elementary School  
1731 Prince St, Berkeley, CA 94703  
**Phone: (510) 644-6313**

[jessicalogin@berkeley.net](mailto:jessicalogin@berkeley.net)

**Benado, Tony**

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**From:** dianna d <diannadar@gmail.com>  
**Sent:** Sunday, November 26, 2023 6:51 PM  
**To:** All Council  
**Cc:** Sophie Hahn  
**Subject:** NO resolution regarding events in the Middle East or make it a Fair and Balanced 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.

To the Berkeley City Council, Mayor Arreguin, Ms. Kesarwani and Councilperson Hahn, I am a District 5 resident, a Berkeley homeowner, and a parent of a BUSD student.

I strongly urge the Berkeley City Council to **resist adopting a statement or resolution regarding events in the Middle East.**

People in Berkeley have a lot of diverse opinions and yet you do not adopt position statements on all of them. Because **that is not your role as city council members**, and the same is true with this issue. To enter into this divisive issue will require much effort and will risk rendering our community more fractured. I strongly urge you to decline to make any such statements. We need your hearts, minds and energies focused on making decisions about local laws and policies for the city of Berkeley.

Thank you for your service to Berkeley.

Kind regards.  
 Dianna Dar



**Benado, Tony**

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**From:** Youval Dar <youval@gmail.com>  
**Sent:** Sunday, November 26, 2023 6:47 PM  
**To:** All Council  
**Subject:** No Bigotry, No to Racist Israel-Hamas Resolutions

**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 resident urging you to reject any attempts to pass racist resolutions related to Israel or any other global or local minorities.

If you're considering entering politics and wish to avoid discrimination against individuals or groups based on their racial or ethnic group membership (which is the definition of racism), consider listing and evaluating in writing how all the countries around the world would have responded to an attack similar to the one Hamas (the elected governing body of Gaza for the last 18 years) unleashed on Israel on October 7th. (<https://hamas-massacre.net>)

Before applying any labels to Israel or to the conflict, evaluate and compare with the situation in other countries. To ensure that your critique is not a method to dehumanize or single Israel out.

If the city decides to participate in this conflict by passing inflammatory resolutions, it should first conduct comprehensive research based on facts. Creating and distributing the results of this research to help the city avoid bigotry and anti-Semitism.

Respectfully  
Youval

**Benado, Tony**

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**From:** Bryan Weiss <weissbry@yahoo.com>  
**Sent:** Sunday, November 26, 2023 6:18 PM  
**To:** All Council  
**Subject:** 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.

I am a Berkeley resident. It has come to my attention that the City is considering some sort of resolution concerning the Israel-Gaza situation, which may include a call for a ceasefire. I am writing to express my extreme opposition to any such measure.

To begin with, this is not the sort of business that we elected you for. We did not elect you to issue controversial statements on complex and inflammatory issues such as this. Please stick to the pressing issues facing our community instead of focusing on feel-good, virtue signaling, empty statements.

Moreover, any call for a "ceasefire" or cessation of hostilities must focus on the horrors inflicted by Hamas and its declared intention to continue to commit those horrors, instead of focusing on the actions of Israel in response to those horrors. There WAS a "ceasefire" as of October 7, 2023 which Hamas chose to violate, and did so in a way that can only be described as barbaric. And worse, Hamas has declared its intent to continue committing these massacres until there are no Jews in Israel. A "ceasefire" that allows Hamas to continue to retain hostages and to remain in power in Gaza, with its declared intent to continue these massacres, is not a "ceasefire" at all - it is a call for the extermination of Jews in Israel. Ask yourself this - what if Japan had called for a "ceasefire" on December 8, 1941? It would have been uniformly rejected.

While seemingly couched in humanitarian motives, a call for a ceasefire is exactly the opposite. It is a statement that Israel has no right to defend itself, or even worse, no right to exist. The common enemy in this horrible situation is Hamas. They raped Israeli women and beheaded children. They oppress the citizens of Gaza and refuse to allow them to live freely. The world should be united in the cause to rid the existence of Hamas, yet somehow Israel, and by extension, Jews, are being made the enemies here. A resolution by the Council that fails to recognize this is a declaration against the continued existence of Israel and has no business being issued.

Please refrain from taking action that will only serve to inflame the anger and passions of this community.

Bryan Weiss  
Berkeley, CA

**Benado, Tony**

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**From:** Mollie Mindel <mgmindel@gmail.com>  
**Sent:** Sunday, November 26, 2023 5:37 PM  
**To:** All Council  
**Subject:** Keeping Berkeley SAFE and WELCOMING

**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 Whom it May Concern,

It is my understanding that the BCC is being asked to consider and pass a resolution regarding the war in Israel and Gaza. I am asking the BCC to opt out of this political theater and remain focused on maintaining a place of safety for the beautifully diverse community living here in Berkeley. My own family, being Black and Jewish, have cherished the ability to go about our lives in a welcoming environment with no fear for our safety, even in the face of the exponential growth in antisemitism that is happening all around us. We implore you to allow that to continue by not getting involved in the politics half a world away, particularly as the backers of this resolution are not even primarily Berkeley residents but rather political activists at large with an agenda that is not concerned about our own community.

Unfortunately, while the snapshot phrase "ceasefire now!" which titles the resolution may at first glance appear to promote peace, a deeper dive into the language that is being used within these resolutions proves to promote discrimination against Jewish and Israeli-American Berkeley residents. Passing this resolution not only does nothing to actually support peace in the Middle East but rather creates a lack of safety and sense of community here at home. No good can come from passing this resolution but lots of harm can come out of it.

Please do not vote in support of the cease fire resolution.

Thank you,  
Mollie Mindel  
1920 Blake St, Berkeley, Ca 94704

**Benado, Tony**

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**From:** Deb K Fink <debkfink@gmail.com>  
**Sent:** Sunday, November 26, 2023 6:12 PM  
**To:** All Council  
**Subject:** Fwd: Tuesday's meeting

**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 was not aware that these letters get published. Please remove my home address if you publish my letter as it does not feel safe to me to have it listed, especially given the rise in antisemitism and other hate speech and acts. Thank you.

----- Forwarded message -----

**From:** **Deb K Fink** <debkfink@gmail.com>  
**Date:** Sun, Nov 26, 2023 at 1:50 PM  
**Subject:** Tuesday's meeting  
**To:** <council@berkeleyca.gov>

Dear Berkeley City Council,

I was told that you are discussing a resolution or statement of some kind about the war between Israel and Hamas at your meeting this coming Tuesday. As a Berkeley resident, I want to weigh in and say that I don't believe the council has any business taking sides in a conflict happening on the other side of the planet...a very complicated conflict with enormous suffering on both side... that has the power to deeply divide our city. That is simply not what you were elected to do. It's your job to ensure public safety and these types of resolutions do nothing but create divisiveness, tension and conflict among neighbors. I have very strong feelings about the war but will not share them here because, again, I don't think they are relevant to the work of the council. If you choose to bow to public pressure and allow those screaming the loudest (and with the most vile rhetoric, lies and propaganda) to determine your mission and work...I hope you will at least create a statement that is fair and balanced. Condemning one side or the other is absolutely inappropriate in this centuries-old conflict.

I would be happy to speak with any of you about this further.

Deborah Fink  
 1629 Grant St  
 (510) 593-6180

**Benado, Tony**

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**From:** Yael Galinson <ygalinson@gmail.com>  
**Sent:** Sunday, November 26, 2023 6:02 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:** No 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 Arreguin and Councilmembers,

I am a resident of Berkeley and have lived here for more than 31 years. I am an active community member, a regular voter, and a Jew. I have four children who have gone through Berkeley Unified schools.

I feel very strongly that the Berkeley City Council should not pass a resolution or take a stance on the current events in Israel and Gaza. International events are not the purview of the local city council, and I am not aware of the city council taking a stance on any of a number of wars and other horrors currently happening in the world. You were not voted into leadership positions in the city of Berkeley to weigh in on international issues.

I hope that you will continue to focus on local issues and not succumb to pressure to take a position on this complex international situation.

Thank you,  
Yael Galinson, PhD  
1718 Hearst Avenue  
Berkeley, CA 94703

**Benado, Tony**

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**From:** Doni Katz <donikatz@gmail.com>  
**Sent:** Sunday, November 26, 2023 4:48 PM  
**To:** All Council  
**Subject:** No to resolution on Israel-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 Berkeley City Council,

Thank you for continuing to hold strong against the pressure to pass a resolution on the situation in Israel and Gaza. Thank you for continuing to prioritize the important work of the council to improve our city, rather than spending time on an issue outside of local government purview, which is incredibly divisive, and whose charged language can be hurtful, hateful, and make your constituents feel unsafe. Weighing in on this matter halfway across the globe would be counter to the unity and community of our fair city, and I appreciate your professionalism and integrity in standing up to radical voices. My 5th grader in BUSD thanks you as well.

Sincerely,

Doni Katz  
1245 Dwight Way

**Benado, Tony**

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**From:** Offer Grembek <grembek@gmail.com>  
**Sent:** Sunday, November 26, 2023 5:52 PM  
**To:** All Council  
**Subject:** Israel-Hamas 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 Council,

I am a resident of Berkeley for almost two decades, a Berkeley homeowner, and a parent of three kids going through BUSD.

I am writing to share my very strong commitment that the **Berkeley City Council should not take a public position in the current Israel-Hamas conflict**. The current conflict is part of a deeply painful, complicated situation that has truly global agitants and implications. The fact that this issue has been the subject of so much media, dialogue, negotiation, and analysis by experts in the field who clearly cannot reach a consensus, means that any position taken by our humble City's institutions aligning with one side or the other would necessarily be reductionist and ignore people's truths.

Moreover, aligning, or even highlighting one side's position over the other will have an unnecessarily divisive impact on our diverse Berkeley Community. The City Council would effectively choose a side to overlook, gaslight, and marginalize. Also, to make a public statement on this particular matter while overlooking other recent, horrific conflicts and situations around the world will make any position taken here by the Council that much more suspect and divisive.

In fact, any statement on this subject presents a greater risk of fomenting social tension than providing a galvanizing front in that much of the language used by either side is interpreted by the other as inciteful and racist. Even a call for an unqualified ceasefire, under these particular circumstances, denies the complexity of the situation.

Perhaps most importantly, the City government has as its primary objective, representing and promoting the safety and well-being of all of its constituents. I expect the Berkeley City Council to hold this objective above all others. I expect it to ensure that no member of this community, Arab, Israeli, Jewish, or Palestinian feels marginalized, isolated, or unsafe.

The Berkeley City Council, and in fact all Berkeley City institutions should fight any urge to choose a side and stick with the side of the people of Berkeley.

Best,

Dr. Offer Grembek  
651 Neilson Street

**Benado, Tony**

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**From:** Jaimie Baron <jaimierbaron@gmail.com>  
**Sent:** Sunday, November 26, 2023 4:36 PM  
**To:** All Council  
**Subject:** Resolution about Israel-Hamas 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 Berkeley City Council,

I heard that you will be discussing a resolution or statement of some kind about the war between Israel and Hamas at your meeting this coming Tuesday. As a Berkeley resident with kids in Berkeley schools, I want to say that I do NOT believe the council should take sides in a very complicated conflict with enormous suffering on both sides taking place in the Middle East. Such a resolution has the power to deeply divide our city. That is simply not what you were elected to do. It's your job to ensure public safety and these types of resolutions do nothing but create divisiveness, tension, and conflict among neighbors. I have very strong feelings about the war but will not share them here because they are not relevant to the work of the council. If you choose to bow to public pressure and allow those screaming the loudest (and with the most vile rhetoric, lies and propaganda) to determine your mission and work, Berkeley will be the worse for it. If you are forced to pass a resolution, I hope you will refrain from condemning or valorizing only one side or the other of this centuries-old conflict. I would be happy to speak with any of you about this further.

Dr. Jaimie Baron  
Department of Film and Media, UC Berkeley  
author of: The Archive Effect and Reuse, Misuse, Abuse  
director of: the Festival of (In)appropriation  
co-editor of: Docalogue



**Benado, Tony**

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**From:** Talia Nagar <talianagar@yahoo.com>  
**Sent:** Sunday, November 26, 2023 4:15 PM  
**To:** All Council  
**Subject:** Keep focus on local priorities

**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 elected City Council members,

I am a resident urging you to reject attempts to adopt resolutions about the Israel-Hamas War. I am devastated by the scale of violence in that region, however I see no role for the City of Berkeley in addressing the crisis. We have our own pressing needs as a city - crime, the unhoused population - the issues we elected you to address. Please do not get distracted by a vocal group and stay focused on your mission as elected officials of this city.

With gratitude,  
Talia Nagar

**Benado, Tony**

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**From:** Elana Naftalin-Kelman <elanank@gmail.com>  
**Sent:** Sunday, November 26, 2023 3:26 PM  
**To:** All Council; Berkeley Mayor's Office

**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 and Mayor Arraguin,

I am writing as a lifelong Berkeley resident, District 2, and parent to 2 BUSD students and 1 BUSD graduate. I am writing to ask that you not support any resolution on the war in Israel/Gaza.

Any resolution will alienate the Berkeley Jewish community and will take precious time and resources away from the hard work you all do making an impact directly on the residents of Berkeley. Please stick to your mission of making sure the residents of Berkeley are taken care of and don't get distracted by those screaming the loudest about events outside of Berkeley.

Thank you for the work that you do for all of us and happy to speak with anyone further about this.

Elana Naftalin-Kelman  
1680 Short St.  
303-667-4154

**Benado, Tony**

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**From:** Chez miller <howie@chezmiller.com>  
**Sent:** Sunday, November 26, 2023 3:44 PM  
**To:** All Council  
**Subject:** Unity And Community First

**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 Council,

I am writing to share my very strong commitment that the Berkeley City Council should not take a public position in the current Israel-Hamas conflict. The current conflict is part of a deeply painful, complicated situation that has truly global agitants and implications. The fact that this issue has been the subject of so much media, dialogue, negotiation, and analysis by experts in the field who clearly cannot reach consensus, means that any position taken by our humble City's institutions aligning with one side or the other would necessarily be reductionist and ignore people's truths.

Moreover, aligning, or even highlighting one side's position over the other will have an unnecessarily divisive impact on our diverse Berkeley Community. The City Council would effectively choose a side to overlook, gaslight, and marginalize. Also, to make a public statement on this particular matter while overlooking other recent, horrific conflicts and situations around the world will make any position taken here by the Council that much more suspect and divisive.

In fact any statement on this subject presents a greater risk of fomenting social tension than providing a galvanizing front in that much of the language used by either side is interpreted by the other as inciteful and racist. Even a call for an unqualified ceasefire, under these particular circumstances, denies the complexity of the situation.

Perhaps most importantly, the City government has as it's primary objective, representing and promoting the safety and well-being of all of it's constituents. I expect the Berkeley City Council to hold this objective above all others. I expect it to ensure that no member of this community, Arab, Israeli, Jewish, or Palestinian feels marginalized, isolated, or unsafe.

The Berkeley City Council, and in fact all Berkeley City institutions should fight any urge to choose a side, or in fact make any statement, and instead remain mercifully silent.

Howard Miller  
539 Neilson Street  
Berkeley  
Cell: 510 543 8784

**Benado, Tony**

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**From:** Ariel Feinberg <alfeinberg@gmail.com>  
**Sent:** Sunday, November 26, 2023 3:37 PM  
**To:** Taplin, Terry; All Council  
**Subject:** no resolution on Israel-Hamas War

**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 Taplin,

I am a Berkeley resident of District 2 and my two children attend schools in BUSD.

As a member of the Berkeley Jewish community, I am writing to you to ask you to reject any resolution related to the Israel-Hamas War. I don't believe that the City Council should be spending their time voting on matters that are outside the control of our City, let alone one happening on the other side of the world--one that is so complicated and nuanced. Instead, the focus should be on ensuring the safety of our own children and community. Any resolution, even ones that attempt at being balanced, are bound to sow divisions and generate more anti-semitism and Islamophobia, which have already increased in our community. A resolution will not solve the conflict or bring us any closer to peace. We must bring our community together – not pull ourselves apart.

Thanks for your compassion and understanding.

Ariel Berson

**Benado, Tony**

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**From:** Dan Alter <dialter@sbcglobal.net>  
**Sent:** Sunday, November 26, 2023 2:24 PM  
**To:** All Council  
**Cc:** Berkeley Mayor's Office  
**Subject:** NO to divisive stances on Israel-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 Rashi, Terry, Ben, Mark, Sophie, Jesse, Kate, Rigel and Susan,

I am writing as a lifelong Berkeley resident, District 3, and father of a daughter attending Willard Middle School to ask that you only support a resolution on the Israel-Hamas war if it is fair and balanced. To be fair and balanced I believe it would need to contain the following:

1. Both the Palestinian and Israeli-Jewish peoples are good and valuable.
2. Both peoples belong and deserve homelands.
3. The only future worth advocating is a shared future
4. Refusal to make either the Palestinian or Israeli-Jewish peoples identical to their governments and policies.

Any other stance which participates in the language of absolutism or holds up only one people's needs only adds fuel to the fire of extremism and violence. It divides us and pits us against each other. As a member of the Berkeley Jewish community, I can tell you that we are deeply scared of the rising anti-semitism in this time. I do not believe that any criticism of the State of Israel or its policies is anti-semitic. But it is clear to me that any resolution that chooses sides in a way that denies the legitimacy, humanity, or needs of either people falls into a dynamic that feeds anti-semitism or Islamophobia. Please don't do that.

Thank you,

Dan Alter  
2535 California Street

**Benado, Tony**

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**From:** Ayana Davis <ayana@ayanadavisnutrition.com>  
**Sent:** Sunday, November 26, 2023 2:17 PM  
**To:** All Council  
**Subject:** Request to avoid a resolution regarding war in middle east

**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 to all counsel members!

I am a constituent here in Berkeley and also an Israeli-American. I would like to request that you do not support any resolution with regards to the current war in the middle east.

As we have seen in our neighboring districts resolutions like these are very inflammatory and trigger a lot of anger and conflict within our community.

I would like to see my city support peace and connection in our community rather than taking up an issue that is very complex and honestly does not impact our day to day life locally.

My vote is for members who help impact our lives locally and do not get involved with complex international issues that are divisive.

We have already seen a spike in antisemitism since this started. Berkeley has a very large Jewish community that wants to feel supported and equal during this time and not ashamed of our heritage.

Thank you very much and happy holidays to you all!

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In health,

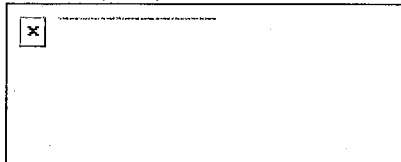
Ayana Davis, MS, RD

Owner: Ayana Davis Nutrition

Website: [www.ayanadavisnutrition.com](http://www.ayanadavisnutrition.com)

Email: [ayana@ayanadavisnutrition.com](mailto:ayana@ayanadavisnutrition.com)

Phone: (510) 239-3229



**Benado, Tony**

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**From:** Alexis Azereth Murillo Amezcua <alexismurillo3@berkeley.edu>  
**Sent:** Sunday, November 26, 2023 2:13 PM  
**To:** Wolan, Aleksandra; Bartlett, Ben; Gerstein, Beth; Naso, Christopher; All Council; Aguilar-Canabal, Diego; Pugh, Eliza; Panzer, Eric; Russell, Gordon; Wilson, Genevieve; Chang, James; McCormick, Jacquelyn; Harrison, Kate; McWhorter, Laurie; Skjerping, Lars; Berkeley Mayor's Office  
**Subject:** Resolution for Ceasefire and Solidarity with 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.

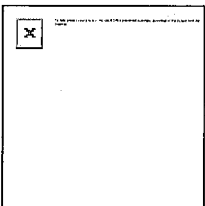
Dear Council Members,

I am a Berkeley Resident and I am urging you to 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.

Israeli and the IDF have continued to indiscriminately carpet bomb the Gaza Strip, a 25 by 5-mile space dubbed "an open-air prison." Gaza has been under complete blockade by Israel and aid has been unable to reach the densely populated home of over 2.2 million Palestinians. As a result, the Israeli government has now been rightly accused of numerous war crimes by human rights groups and leaders of nations around the world.

You have heard from countless members of Berkeley via Public Comment and email calling upon you, as the people's representatives, to pass this Resolution. We, your constituents, have prepared a Resolution on your behalf. We call upon the Berkeley City Council to review the Resolution, make edits that are consistent with the spirit of our request, place the Resolution on the agenda as a time-critical and urgent item, and pass it. It is understood that the next public meeting is scheduled for November 28, but we encourage the council to schedule a special meeting sooner to pass this Resolution since it is an URGENT ITEM. We'd also like to note that there are no direct financial implications since this is a Resolution. The following cities have also passed Resolutions for Ceasefire and Solidarity with Palestine as of November 16, 2023: Richmond, CA; Providence, RI; Cudahy, CA; and Easton, PA. We hope the City of Berkeley will follow suit in this moral leadership. Thank you for your attention and commitment to doing what is right for our community and the world.

Sincerely,



Alexis Murillo Amezcua (they/them)  
 Department of Sociology | Department of Ethnic Studies  
 University of California - Berkeley  
[alexismurillo3@berkeley.edu](mailto:alexismurillo3@berkeley.edu)

**Benado, Tony**

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**From:** Desmid Lyon <desmid@gmail.com>  
**Sent:** Sunday, November 26, 2023 12:36 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Subject:** Please continue to stand up against antisemitism and anti-Israel rhetoric, for the safety of our community

**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 Member,

I know that there are voices calling for the City to take a stance on a Ceasefire – a divisive resolution that would result in further tensions in our City. I am a Berkeley resident of 67 years, urging you to reject attempts to adopt inflammatory resolutions about the Israel-Hamas War. Like you, I watched in horror as the City of Richmond voted on a bigoted resolution that fractured their community and exacerbated the fear and isolation so many Jewish residents are feeling. After the deadliest attack on the Jewish community since the Holocaust seven weeks ago, now is not the time to play politics with community safety.

During this time of rising hate and antisemitism, I'm asking you to lead with empathy and ensure all local residents feel supported and welcomed. The ongoing war between Israel and Hamas has deeply impacted many members of our community. Many of us are in mourning. Inaccurate and one-sided resolutions will not solve the conflict or bring us any closer to peace. We must bring our community together – not pull ourselves apart. I humbly request that in whatever statement you make, you and other Councilmembers continue to stand out against antisemitism and anti-Israel rhetoric.

I applaud everything you do to ensure "We Stand United Against Hate" in Berkeley. I endorse focusing the efforts of our City Council and other City entities on ensuring safety for every Berkeleyan.

Thank you for your compassion and understanding, and with gratitude,

Desmid

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Desmid Lyon  
1808 Sacramento St  
Berkeley, CA 94702  
[desmid@gmail.com](mailto:desmid@gmail.com)



**Benado, Tony**

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**From:** Andrew Fine <andrew@novelTMT.com>  
**Sent:** Sunday, November 26, 2023 11:05 AM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** I beg of you to vote NO to "Berkeley for 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.

Cannot believe there is even a vote on this.

We dont need to divide the world even more.

A vote for this is a vote for hamas.

Please do the right thing

Andrew

Andrew L. Fine  
NOVEL TMT CAPITAL PARTNERS, LLC  
9 West 57th Street, 50th Floor  
New York, NY 10019  
Tel: 212-201-8241  
Cell: 917-660-4307  
Andrew@noveltmt.com

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**Benado, Tony**

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**From:** Clara Weinstein <clara.fay.weinstein@gmail.com>  
**Sent:** Sunday, November 26, 2023 9:05 AM  
**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:** Please support a ceasefire

**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'm a Berkeley resident calling on you to adopt the resolution standing in solidarity with Palestinians. We must stand for a permanent ceasefire now to be on the right side of history.

Thanks,  
Clara Weinstein

**Benado, Tony**

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**From:** Orli Loewenberg <oloewenberg@sbcglobal.net>  
**Sent:** Saturday, November 25, 2023 9:37 PM  
**To:** All Council  
**Subject:** appreciation, no resolution on Hamas/Israel war

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'm writing in appreciation of all that you do. Thank you for your hard work and dedication. In addition, thank you for not having issued a declaration about the Hamas/Israel war. I fully support you in not taking a stance.

There is plenty of work for you in managing the City of Berkeley. There are endless catastrophes and injustices to comment on... and yet I don't see cities declaring resolutions on each one. If Israel is to be condemned for its treatment of the Palestinian people, make sure other countries doing the same are also condemned. Because otherwise, it seems as if Israel is being singled out, as the only, or the worst, which is clearly not the case. Writing resolutions will keep you very busy, is bound to increase the contentious feedback you're getting from residents, and will detract you from the important and difficult work of running the City of Berkeley.

Additionally, though I can't claim to be well versed in the subtleties of stories of the above countries and peoples, I do know that the Israel-Palesstine conflict is complex and not clear cut. There is no one side in the right. Both peoples, the Israeli and Palestinian people, deserve to live in peace and dignity, Both have long, ugly histories. And both have been set up by Imperialistic countries , including the US, to fight each other, while the ruling classes of these countries make money off of the continual conflict. So

pointing fingers at one side, is simplistic and myopic. Taking sides only increases the divisions and anger between us. We need unity and cooperation, not infighting.

I am asking the City Council to continue to support all its residents, to condemn all forms of hate and violence, and to work for a peaceful and equitable world, starting at home. I suggest making no resolution at all. If for some reason you feel like you must make resolutions, then hold both the Israeli and Palestinian people in your heart, knowing that no peace will come to that area without peace for both peoples - not vilifying one against the other. If a resolution is written, make sure that in addition to condemning the violence in Gaza, also condemn the atrocities Hamas caused and the hostages still in captivity.

Thank you for the good work you do, and for continuing to make Berkeley a safe, inclusive, and welcoming community for all.

Sincerely,  
Orli Loewenberg

**Benado, Tony**

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**From:** Raphael Goldman <raphegoldman@yahoo.com>  
**Sent:** Saturday, November 25, 2023 5:07 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Hahn, Sophie; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Please decline to take a position on the war on 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 Mayor Arreguin, Ms. Kesarwani and Members of the Berkeley City Council:

I am a resident of Berkeley's District 1, a consistent voter, and a Jew. I am writing because I understand that you have received numerous communications asking the Council to formally support the "Free Palestine" movement or call for a "ceasefire" in the Israel-Hamas war. I urge you to decline to make any such statements.

First, it would be absurd for the City Council to spend its limited time and resources taking positions on foreign wars rather than working on the local problems it was elected to confront. But a declaration in support of the "Free Palestine" movement would be worse than just absurd—it would raise questions of antisemitism. In recent year numerous peoples in foreign lands have endured terrible misfortunes. To pick only a few instances involving Muslim victims, there is the ongoing deportation of Afghans by Pakistan; China's persecution of Uyghurs in Xinjiang; Saudi Arabia's killing of hundreds of thousands of Yemenis; Bashar al-Assad's murder of hundreds of thousands of his own people, including Palestinians, during the Syrian civil war; and on and on. As far as I can tell, the City Council has not expressed a view on any of these atrocities. In the context of thousands of years of scapegoating and repression of Jews around the world, and spiking antisemitism worldwide and here in the United States, it would be deeply unsettling if the Berkeley City Council were to pick as the single foreign conflict on which it decided to take a position the one that permitted it to point an accusing finger at the Jewish homeland.

Second, the calls for "ceasefire" or to "Free Palestine" are wrongheaded as a substantive matter.

The war on Hamas has been accompanied by tragic suffering among the people living in Gaza. But, regardless of your views about the current Israeli government, the responsibility for this war undeniably lies with Hamas. As you know, on October 7, 2023, Hamas terrorists murdered over 1,000 Jews living in Israel—including young children; elderly Holocaust survivors; mothers; daughters; sons; fathers; and a large number of teenagers and young adults, many the age of Berkeley High School and UC Berkeley students, who were attending a dance party. The terrorists also kidnapped over 200 people and committed unspeakable acts of sexual violence against Jewish women. This was not a one-off occurrence: Hamas, the governing body in Gaza, has always been committed to killing the Jews or expelling them from Israel, and a member of Hamas's political bureau recently confirmed that the October 7 pogrom was "just the first time," and that Hamas "will do it twice and three times" until Israel is "remove[d]." As a practical matter, calls for a "ceasefire," no matter how well-intentioned, constitute a demand that Israel simply let Hamas try to kill its Jewish citizens, without responding, until Hamas succeeds in its horrific mission.

In any case, the "Free Palestine" movement's core principles are not mere pacifism. Rather, the movement, as practiced here and worldwide, comprises a call for the destruction of the Jewish state.

Western adherents sometimes try to justify seeking this result with appeals to familiar social justice tropes. You have undoubtedly received letters referring to Israelis as "colonialists" and hinting (or outright asserting) that Jews brought violence upon themselves by "colonizing" Israel. Indeed, this is the dominant mode of analysis for the "Free Palestine" movement. But it is ahistorical. The Jewish citizens of Israel are descended from:

- Jews who lived in the area for thousands of years;
- Refugees who survived the Holocaust and no longer had homes in Europe;

- Jews whose families lived for generations in Iraq, Egypt and other Middle Eastern countries but were forcibly ejected from those lands between 1948 and the 1970s; and

- Refugees from centuries of other similar antisemitic atrocities and disasters across Europe and the Middle East.

It is preposterous to suggest that the descendants of stateless refugees and victims of centuries of abhorrent state and non-state violence constitute some sort of colonialist power.

Even more dangerous is the frequently-expressed concept that there is something immoral about the very idea of Zionism (which posits that Jews should have a homeland) or that the Israeli project has as a central focus the repression of the Palestinian people. The opposite is closer to the truth: Palestinian leaders have numerous times since the 1940s rejected an opportunity for the creation of an autonomous Palestinian state precisely because those opportunities would also have allowed for the continued existence of Jewish Israel. Unfortunately, the "Free Palestine" movement here in Berkeley seems to concur with this approach to the conflict. Recently, 150 student marchers at Berkeley High, like participants in similar marches across our nation, chanted "From the River to the Sea, Palestine Will be Free." That slogan means "No more Israel." Under this pernicious worldview, the seven million Jews who live in Israel must either die or return to the status of stateless refugees like their forebears.

Jews in America are feeling besieged these days because it is these "anti-Zionist" concepts—now openly expressed at government meetings and in school hallways—that gave rise to the October 7, 2023 pogrom. Indeed, one "Free Palestine" group here in Berkeley even offered its "unwavering support" for Hamas's antisemitic violence.

The Berkeley City Council has no reason to weigh in on this war. Lending the city's imprimatur to the "Free Palestine" movement's repugnant rhetoric would make its Jewish citizens feel unsafe and create deeper divides in our community. I urge you to focus on the issues of Berkeley governance and refrain from taking a position on the war in Israel. I and my community will be watching.

Best regards,

Raphael Goldman

**Benado, Tony**

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**From:** Karen Weil <karen@karenweil.com>  
**Sent:** Saturday, November 25, 2023 3:06 PM  
**To:** Berkeley Mayor's Office; Hahn, Sophie; Harrison, Kate; Sophie Hahn; bbartlett@berkeley.gov; All Council; kharrison@berkeley.gov; mhumbert@berkeley.gov; rkesarwani@berkeley.gov; Robinson, Rigel; swengraf@berkeley.gov; ttaplin@berkeley.gov  
**Subject:** Proposed 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 understand that this Tuesday, the Berkeley City Council will vote on whether to pass a resolution, named "Berkeley for Palestine" - I feel like a proposal such as this proposal will only lead to a divide in the community and does nothing to lead to peace. As a Jewish resident living in Berkeley, it makes me feel unsafe, unsupported, and completely ignores the October 7 attack.

I have spent much of my morning trying to read the proposed resolution and have been unable to find the wording. If it is anything similar to what has been written in other cities, it feels wrong, and unnecessarily divisive.

As a resident, artist, and business owner, I find myself feeling afraid to speak out for the first time. My parents are holocaust survivors and they raised my sisters and me to understand a profound insight of theirs, "Don't think it can't happen here". I feel fortunate that they passed away several years ago, and do not have to bear witness to this renewed antisemitism.

I think the majority of people living in Berkeley, including the Jewish population, find the number of people killed in Gaza horrifying, AND in addition, it is also important to remember that Israel did not initiate this war and should be able to defend their statehood. I would much prefer that the Berkeley City Council members and Mayor Jessie, concentrate their efforts on speaking out against both the antisemitic and anti Muslim sentiments that we all have seen or experienced as of late.

Please vote against this divisive resolution named, " Berkeley for Palestine". Even just its name feels wrong.

Thank you,  
Karen Weil

**Benado, Tony**

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**From:** Karen Weil <karen@karenweil.com>  
**Sent:** Saturday, November 25, 2023 3:55 PM  
**To:** Berkeley Mayor's Office; Hahn, Sophie; Harrison, Kate; Sophie Hahn; bbartlett@berkeley.gov; All Council; kharrison@berkeley.gov; mhumbert@berkeley.gov; rkesarwani@berkeley.gov; Robinson, Rigel; swengraf@berkeley.gov; ttaplin@berkeley.gov  
**Subject:** Re: Proposed 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.

Is this happening on November 28th?  
Please see my letter below this Posting by "Tal"  
Please let me know.  
Thanks



7:00



Tal's post

# Berkeley for Palestine

BERKELEY CITY COUNCIL MEETING #2  
**TUESDAY, NOVEMBER 28TH @ 6PM**

Urge Berkeley City Council to pass our Resolution for Ceasefire and Solidarity with Palestine. Show up in person (preferred) or virtually; please prepare a 60-second statement to share.

1231 Addison St. Berkeley, CA

Zoom Meeting ID: 161 761 0462

**OUR STRENGTH IS IN OUR NUMBERS. BRING YOUR KEFFIYEHS, SIGNS, FLAGS, AND FRIENDS!**



On Sat, Nov 25, 2023 at 3:05 PM Karen Weil <[karen@karenweil.com](mailto:karen@karenweil.com)> wrote:

I understand that this Tuesday, the Berkeley City Council will vote on whether to pass a resolution, named "Berkeley for Palestine" - I feel like a proposal such as this proposal will only lead to a divide in the community and does nothing to lead to peace. As a Jewish resident living in Berkeley, it makes me feel unsafe, unsupported, and completely ignores the October 7 attack.

I have spent much of my morning trying to read the proposed resolution and have been unable to find the wording. If it is anything similar to what has been written in other cities, it feels wrong, and unnecessarily divisive.

As a resident, artist, and business owner, I find myself feeling afraid to speak out for the first time. My parents are holocaust survivors and they raised my sisters and me to understand a profound insight of theirs, "Don't think it can't happen here". I feel fortunate that they passed away several years ago, and do not have to bear witness to this renewed antisemitism.

I think the majority of people living in Berkeley, including the Jewish population, find the number of people killed in Gaza horrifying, AND in addition, it is also important to remember that Israel did not initiate this war and should be able to defend their statehood. I would much prefer that the Berkeley City Council members and Mayor Jessie, concentrate their efforts on speaking out against both the antisemitic and anti Muslim sentiments that we all have seen or experienced as of late.

Please vote against this divisive resolution named, " Berkeley for Palestine". Even just its name feels wrong.

Thank you,  
Karen Weil

**Benado, Tony**

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**From:** Daniel Frydman <danfrydman@gmail.com>  
**Sent:** Saturday, November 25, 2023 2:46 PM  
**To:** All Council; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Subject:** Berkeley City Council Meeting

**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

I understand there are a lot of calls for the City of Berkeley to make a resolution against israel -demanding a ceasefire and among other things, an end to the death toll throughout Gaza.

Its not lost one me, and hopefully not on you how very one sided these demands - always only demanding changes to Israel's actions. At no point have I heard these same demonstrators demand an end to the murdering of civilians in their homes? An end to the raping of woemn and young girls? An end to the savagery of terrorism, and lastly, and most importantly an end to the suicidal death cult of Hamas that has ignited this fire storm and brought so much suffering to so many.

I ask this council to take a clear and unambiguous stance that terrorism is unequivocally unjust and will not be tolerated or appeased in any of its forms. And while a resolution for the City of Berkeley will do nothing to change the situation in Israel, it will do alot to increase tension and further erode relations between Jews and other ethnicities right here in Berkeley. Already anti semitic and anti jew hate crime is up over 400% and not jsut for Jews alone, Anti-Muslim crime has also skyrocketed since Oct. 7.

The city of Berkeley should be discussing resolutions to reduce the tension, not inflame it. The city has real and important work to do for its citizens, lets focus on making things better here in Berkeley, and debating resolutions that can bring some healing, rather than engaging in political threrate of a loud and 1 sided agenda.

thanks  
daniel

**Benado, Tony**

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**From:** Katrin Youdim <youdimk@yahoo.com>  
**Sent:** Saturday, November 25, 2023 7:21 AM  
**To:** All Council  
**Subject:** War

**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.

Hi

Hope life is treating better than what Jewish community feels. I am reaching out to you As immigrant whom had to run away from radical Muslims. Attacking Israel is an excuse attacking jews. If there is no jews, they will go after Christian, Hindu, Bhai, secular, and good Muslims. Look how many Muslims are killed under radicals. So called pro Palestinian sympathizers are representing radical Islam. They claim they want peace yet they keep attacking Jewish communities. They want to kill 8 million Jews so they can go after others.

Sad part is that they do not even acknowledge that Palestine is name for Jews in Judea. These people are Arabs. They forced Jews out of their home in Muslim countries. Now that Jews are back to their home land, they want to kill them. These are same people that are killing innocent Iranians in Iran; just because young Iranians want to be free like you and I. If they are no Jews, they will go after others. As they are doing in Iran, my Bhai cousins are in jail, just because they are Bhai.

Please stop these so called pro Palestinians, they are representing radicals, do not let them manipulate you. These are so radicals that even Saudi Arabia did not want to accept them. Do not let them to grow in USA and push radical views.

Appreciate your consideration to stand with Israel

Showing world Jews are back to their homeland, there is no excuse in this world to allow raping and killing innocents including babies

Katrin youdim

Ms Talib has over and over shown her radical view as she wants to at least 8 million jews to die. But letting her to speak at your university, you are saying okay that my Bhai cousin is in jail just because she is Bhai in Iran.

Please stop her to prompt her radical view; do not let her even foot on your campus. Help to stop haters

Sincerely Sent from Yahoo Mail for iPhone

**Benado, Tony**

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**From:** E N <enegator08@hotmail.com>  
**Sent:** Friday, November 24, 2023 3:35 PM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** Please do NOT Pass Divisive "Berkeley for Palestine" 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 Council and Mayor of Berkeley,

Please do not pass the resolution "Berkeley for Palestine." This will only lead to a divide in the community and will not help with peace. At a time of astronomic antisemitism and after a horrific attack on the Jewish community on Oct 7, such a statement will make Jewish people feel unsafe, unsupported, and entirely ignored after the tragic October 7 attacks. Despite many publicly supporting this, please do what is right and do not pass a resolution that will be perceived by many as antisemitic. The city should stay neutral in such a scenario, especially since the government of the United States has publicly come out in support of Israel in the Israel-Hamas war. Jewish people are only 2% of the population in the U.S., so our voices may be drowned out by louder voices, but please protect your minority population and do not pass this resolution.

Thank you,

Emma, a concerned citizen

**Benado, Tony**

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**From:** Leah Rosenthal <lhrosenthalphd@gmail.com>  
**Sent:** Friday, November 24, 2023 10:43 AM  
**To:** All Council  
**Subject:** NO to Inflammatory Resolutions

**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,

I am a resident urging you to reject outside attempts to adopt inflammatory resolutions about the Israel-Hamas War. Like you, I watched in horror as the City of Richmond voted on a bigoted resolution that fractured their community and exacerbated the fear and isolation so many Jewish residents are feeling. After the deadliest attack on the Jewish community since the Holocaust three weeks ago, **NOW IS NOT THE TIME** to play politics with community safety.

Let me be clear – the “Richmond approach” is **NOT** the way forward. As we witnessed, efforts to adopt biased and inaccurate resolutions will only sow more division in our beloved community.

During this time of rising hate and antisemitism, I’m asking you to lead with empathy and ensure all local residents feel supported and welcomed. The ongoing war between Israel and Hamas has deeply impacted many members of our community. Many of us are in mourning. Inaccurate and one-sided resolutions will not solve the conflict or bring us any closer to peace. We must bring our community together – not pull ourselves apart.

Thanks for your compassion and understanding.

With gratitude,

.....  
**Leah H. Rosenthal, Ph.D.**  
Office: [\(510\) 244-1732](tel:5102441732)  
Cell: [\(510\) 520-0242](tel:5105200242)  
925 The Alameda, Berkeley CA

**Benado, Tony**

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**From:** Tal Garner <talgarner@gmail.com>  
**Sent:** Thursday, November 23, 2023 11:10 AM  
**To:** Tal Garner  
**Subject:** Urgent: Please Read - Antisemitic Resolution Being Presented to You on Nov 28

**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.

Hi Berkeley City Council Members,

My name is Tal Garner. I am a proud Jewish Berkeley resident and have always prided myself on coming from a city that's so inclusive and diverse.

My life has not been the same since October 7. Every day has been a reminder of the hatred toward Jews and toward Israel, and that people will believe anything as long as it's against Jewish people. It is shocking, sickening and sad. I am also half Israeli. I do not agree with the Israeli government, have attended many protests against Netanyahu, and would like to point out that *Israeli people do not equate the government*. Just as you would not want to be murdered for being American during Trump's term, I do not think there should be any justification for Israelis being murdered under Netanyahu's leadership. It is awful that so many people cannot understand that there must be a distinct separation made.

**When Richmond passed their Pro-Palestine resolution, MANY Jewish people felt unsupported and invisible due to the resolution using antisemitic remarks at a time where we are already scared to be who we are.** These resolutions passed in other cities ignored the attack of October 7, and only focused on 'Freedom for Palestine', with no regard to the hostages still being kept in Gaza (now, over one month later) and with no regard to the slaughtering of innocent civilians in Israel. While a resolution calling for peace would and should be supported, resolutions that call for an immediate ceasefire with NO mention of **all** the hostages being released as a part of that ceasefire, is only beneficial to Palestinian people. Of course, for people who are antisemitic, this is great. For those of us who are waiting and praying each day for the children in Israel to be given back to their families, it is extremely heartbreaking and disappointing that somehow the hostages are forgotten - perhaps because they were taken from Israel? It seems like nobody cares.

**I am begging you to stand up against anti semitism.** If you ever wondered how people could sit back during the Holocaust, I am letting you know that what you are doing now is what you would have done then. Would you have stood up against anti semitism, or stood with the Nazis with the excuse that they were fighting for their freedom? It is the same thing, it's just that we are now in 2023 instead of 1938. Hating Jews is a tale as old as time, and I urge Berkeley not to support it.

On November 28, there will be a Berkeley city council meeting in which many Pro Palestine people are asking to pass their resolution for 'Ceasefire and Solidarity with Palestine'. They use words such as "Israel's occupation" (*Israel pulled ALL troops out of Gaza in 2005, so I'm curious what occupation they're referring to?*) and using the term genocide, which is one-sided, unfair seeing as death is unfortunately inevitable during a time of war and still ignores the genocide against Israelis on October 7. Why is the attack of Oct 7 not mentioned once? Why are Pro Palestine people not acknowledging that Palestinian lives would be better off without Hamas as their government? Why is this resolution not for peace, but rather only for standing with Palestine? If you cannot see that it is clearly only benefitting one group of people and supporting hatred toward the other, it seems our education system hasn't done its job and needs a closer look.

Hundreds of Israeli families live and work in Berkeley. We acknowledge and mourn the loss of Palestinian lives, however have yet to see Pro-Palestine rallies acknowledge and mourn our people who have been killed and are being held captive. When these resolutions are passed, they are not doing anything but dividing the community further. We are

already scared to wear our star of david necklaces out in public, synagogues are in constant discussion of how to protect our members, and I was actually hushed in a store the other day for speaking Hebrew. This should not be acceptable.

**If Berkeley wants to stand against hate, and REALLY stand against hate, I am asking you, again, not to pass a resolution that will only give one side the power and support to continue antisemitic behavior.** These types of resolutions are not inclusive, but rather one-sided. While the resolution is disguised as being for 'solidarity with Palestine,' the timing in which they bring it to you is pretty obviously anti Israel, we can all agree, right? And while some may say that Israel deserved it for their "occupation", I personally do NOT think there is anything freedom-fighting about raping women, beheading children, and kidnapping innocent civilians who lived and worked peacefully close to the Gaza border. I also do not celebrate the murder of any innocent life, whether they are Palestinian or Jewish.

**Please do the right thing and do not pass a one-sided resolution.** A ceasefire MUST include all hostages being brought back to their families alive. A ceasefire MUST be for both sides to stop the fighting, which would mean Hamas needs to stop sending thousands of rockets to Israel each day. A ceasefire MUST mean the terrorist organization is gotten rid of, for any hope of peace.

Thank you for listening and I hope to see you stick up for what is right,

Tal Garner

(510) 367-7278



**Benado, Tony**

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**From:** Sophie <SophieCiRi@protonmail.com>  
**Sent:** Thursday, November 23, 2023 9:46 AM  
**To:** All Council  
**Subject:** ceasefire, Rafah crossing

**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,

I am writing to urge you to fight for a ceasefire from Israel and for an opening to the Rafah crossing to allow the Global Conscience Convoy of humanitarian aid to enter Gaza.

I am writing you on a day celebrating the genocide of Indigenous people of Turtle Island to try to stop the genocide of the Indigenous people of Palestine.

Regards,

Sophie

Sent with [Proton Mail](#) secure email.

**Benado, Tony**

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**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Monday, November 27, 2023 3:14 PM  
**To:** All Council  
**Subject:** CEASEFIRE is the only way forward to PEACE

**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 and Mayor,

I write to you as a long-time Berkeley resident and a person of Jewish heritage.

Supporting CEASEFIRE does not equate with support for Hamas, just as a critique of Israel does not equate with antisemitism.

Supporting CEASEFIRE supports our common humanity.

Thank you.  
Summer Brenner  
District 4

**Benado, Tony**

**From:** Liberty Schubert <leschubert@ucdavis.edu>  
**Sent:** Sunday, November 26, 2023 10:42 PM  
**To:** All Council  
**Subject:** NO RESOLUTION ON ISRAEL HAMMAS WAR

**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 Mayor Arreguín,

I hope you had a restful weekend with those nearest and dearest to you.

As a life-long Berkeley resident, I have been paying attention to the Berkeleyside coverage of the recent Council meetings and I regret that you have not been able to do your work without constant harassment from demonstrators who at best are misinformed and at worst pro-terror. While I am disappointed that condemning a terrorist organization is not something that has "a broad consensus" in the City of Berkeley, I agree with Councilmembers Hahn and Wengraf that the Berkeley City Council adopting a resolution on the war between Israel and Hamas will only make tensions in our city worse.

If, however, the aforementioned bullying and intimidating behavior pushes the Council to adopt a resolution, I beg of you that it is a fair one. (Unlike the resolution proposed by those who have distributed your meetings). I would like to provide just two of many possible factual edits to their resolution before enumerating the points I think need to be included in any resolution or statement adopted by the council.

1. When they say "Israel has violated international law by not ending its military occupation of... Gaza" I would like to point out Israel left Gaza, and forcibly removed her citizens from the strip in 2005. The only occupying power in the past 15+ years has been Hamas.
2. Additionally, when they say Israel has maintained a 16 year sea, air, and land siege, I would like to point out that Gaza has a land border with Egypt as well. Therefore Israel cannot be held solely responsible for any siege they claim exists.

Instead of the proposed resolution quoted above, I entreat you to be sure that any resolution is fair and unbiased. As I am sure you can tell by this email, I am not unbiased, so all I can offer you is some pro-Israel information in hopes that you can have a more balanced view of things and draw your own conclusions. Here is a list of pro-Israel points that I would like to see in any resolution you adopt:

1. Call out Hamas for the terrorists they are.
2. Ratify Israel's right to defend herself.
3. Make NO mention of the antisemitic blood libel of "genocide" "apartheid" and "ethnic cleansing."
4. Do not ignore Jews' right to live in peace in their indigenous homeland.
5. Do not ignore the number of rockets Hamas has fired since October 7th. No resolution should ignore that those rockets have hit an Israeli hospital.
6. Do not ignore the tragic death toll in Gaza. (However, the fact that those numbers are provided by a Hamas-run health ministry and do not differentiate between civilian, militant, or friendly fire, should be kept constantly in mind.) Regardless, the death toll is very, very painful.
7. Do not ignore the increase in Islamophobia that has been seen nationwide since October 7th.
8. Do not ignore the rampant anti-semitism worldwide. Incidents such as the stabbing of a woman in France, the tragic death of a man in Los Angeles, the storming of an airport in Russia and countless examples of vandalism

and verbal intimidation both globally and locally, have left me in a state of constant high-alert. Everyday I walk up the steps to my apartment and anticipate seeing a Swastika drawn on my door. Everytime I take BART I hide my bracelets that show my support of Israel so that I am not "accidentally" pushed down an escalator or onto the tracks. These are not things I should be worrying about in 2023 in California.

9. In regards to a permanent ceasefire, I urge the Council to remember that Hamas broke the ceasefire made in 2021. I also encourage the council to skim this article about how dangerous a ceasefire is not only to Israelis but to Palestinians as well.

I pray that protesters will stop interrupting your meetings so that you will be able to continue to do your work as Council members to ensure that Berkeley is the vibrant, livable, welcoming city we know and love.

Sincerely,  
Liberty Schubert  
94703  
Am Yisrael chai

**Benado, Tony**

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**From:** Ilana Pearlman <irpearlman@gmail.com>  
**Sent:** Sunday, November 26, 2023 11:11 PM  
**To:** All Council  
**Cc:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Subject:** Keep Berkeley SAFE: No Resolution on Israel/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 of Berkeley Council Members,

I am a district 2 resident, parent of 3 BUSD students, and nurse at Alta Bates Summit Medical center. I moved to this beautiful city 10 years ago with the hope that my son could start Kindergarten in a city where he would be surrounded by students, teachers, and community members who looked like him—in a city that would embrace and celebrate his Black and Jewish identities. Instead, he shares with me that he feels safer as a black kid in Berkeley than as a Jew and that he can hide his Jewish identity behind his blackness. I want him to feel safe as a **whole person** in this city, in which he does not have to use one minority status to protect the other.

In an effort to protect my son and other marginalized students in BUSD, I have notified the school board of all incidents of **verified, documented, increasing antisemitism** my family has witnessed since October 7<sup>th</sup>. Incidents have included teachers at Berkeley High using their classroom to spread antisemitic propaganda and indoctrination, the entire perimeter of my daughter's elementary school (Washington) covered with graphic images of children with their faces blown off with the caption that "it is not antisemitic" to accuse Israel of war crimes (I've attached a covered version of the flyer), witnessing kids shouting "KKK," "River to the Sea," "Fuck Israel," "Fuck Jews" and worse at MLK Middle School's "walkout for Palestine" in which administrators did nothing to curb this hate speech (which is all documented on video), etc...

We are at a critical juncture where our council member's decisions will influence whether our community becomes more divided, putting marginalized residents at increasing risk of hate crimes, or becomes more united. I appreciate that this council has not considered any resolutions on the Israel/Hamas war thus far, despite mounting pressure, and I urge you to continue to keep our community safe and productive by:

- 1) Continuing to focus on Berkeley-specific issues, not international issues.
- 2) Banning disruptive individuals from city council meetings.
- 3) Communicating with BUSD regarding the large increase in antisemitism our students are experiencing without consequences for perpetrators.

I was dismayed to witness the last two city council meeting interruptions; while citizens have a right to free speech, that should never be allowed to impede the freedom and democratic process of our elected city council. If a statement must be put out, please consider a statement on unity, on not condoning antisemitism, islamophobia, or any other forms of hate in our community. Thank You.

Warmly,  
 Ilana Pearlman, CNM

**Ilana Pearlman, CNM, WHNP**

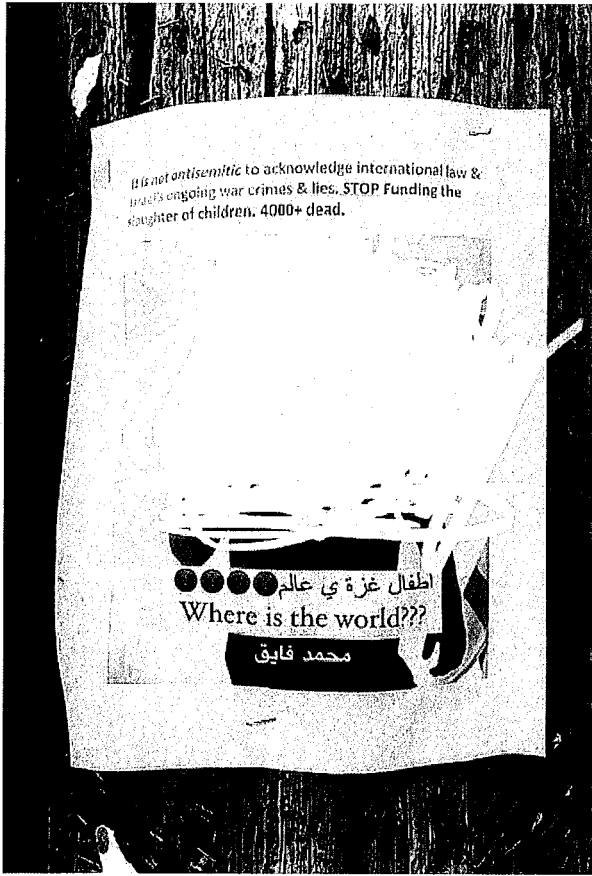
Certified Nurse Midwife

Sutter East Bay Medical Group / Alta Bates Summit Medical Center

[irpearlman@gmail.com](mailto:irpearlman@gmail.com)

650.208.3413





**Benado, Tony**

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**From:** Jessica Pearlman <jessica.pearlman@gmail.com>  
**Sent:** Sunday, November 26, 2023 11:48 PM  
**To:** All Council  
**Subject:** Re: Position on Israel/Hamas 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 members of the Berkeley City Council,

I have been a resident of Berkeley for the past many years. I am a mother to two children in BUSD (TK and 1st grade). Having grown up in the Bay Area and always a fan of Berkeley, I am proud to now be a resident. I had felt safe here, as a Jew, until October 7th. In a completely unanticipated and wholly unprovoked attack, Hamas massacred, raped, abducted and terrorized innocent civilians, from newborns to the elderly - Israelis and other nationals, including Americans. Hamas' actions were premeditated, encouraged, documented and self-disseminated. Quizzically, in the wake of these innately horrific and inhumane acts, shockwaves of antisemitism burst outward across the world, reaching even here, in our Berkeley.

I understand you have been pressured to take a stand on the current Israel-Hamas war, and that you may be discussing this, and a possible position, at your upcoming council meeting.

I urge you to not take a formal position on this complex, international issue; doing so is not your responsibility and there is no precedence for flaunting a stance on issues half a world away. There are numerous recent international calamities, including wars, that have not garnered a public statement from you. Why should this war be different? I fear a statement, of any kind or position, would incite further divisiveness amongst our already fragile locally-impacted communities, alienating one another further rather than bringing us closer together. And I ask you, not rhetorically, what good purpose would doing so serve?

If you feel a position must be adopted and a statement put forth I request that a balanced, well-researched, apolitical message regarding the welfare of all sides of this war be reflected. I request you remain neutral in stance and unsupportive of either "side" but, rather, simply in support of peace and upholding humanity, without drawing conclusions as to which side is "right" or possible "solutions." It is not Berkeley's place to do so and any conclusions or solutions you may signal or favor would not reflect those of your diverse constituency as a whole. If you feel a position must be adopted, please, frame a subsequent public statement in ways that bring communities together rather than continue to drive them apart.

With respect and hope,

Jessica Pearlman  
 2649 San Pablo Ave  
 (650) 291-8079

\*\*\*\*

**Jessica Pearlman**  
**jessica-pearlman.com**  
**Principal Oboe, Pacific Symphony**  
**(650) 291 - 8079**



**Benado, Tony**

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**From:** Rita Minas <ritaminas@gmail.com>  
**Sent:** Sunday, November 26, 2023 11:49 PM  
**To:** All Council  
**Subject:** Express my strong opposition to the proposed resolution regarding the Hamas -Israel war.

**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,

I am writing to express my strong opposition to the proposed resolution regarding the Hamas-Israel war. This resolution is divisive, misleading and harmful to our community.

I live in Berkeley and have 2 kids in elementary school.

7 years ago I have made a home in this area because of the beautiful nature and community. There have been occasional unsavory individuals bringing violence and hatred to our town. But I have never experienced the herd mentality of the "Free Palestine" protesters. Some of the people in this group may have legitimate concerns for Palestinian friends and family members, as I do. However, many of these people are channeling anger in a direction they don't understand. Or, even worse, they are channeling anger against Jewish people on.

The resolution claims to support the rights of the Palestinian people and innocent civilians on both sides. I support that too. However, it says that Palestinians have been subjugated by Israel, which clearly takes sides and locally supports hate against Jewish people.

The resolution tries to impose a biased view of a complex and long-standing conflict that is thousands of miles away from Berkeley. The resolution does not mention the numerous efforts of Israel to make peace with its Arab neighbors, nor the repeated rejections and violations of those peace agreements by the Palestinian leadership. The resolution does not reflect the diversity of opinions and perspectives among the Palestinian people themselves, nor the suffering and oppression they face under the corrupt and authoritarian regime of Hamas.

The resolution does nothing to promote peace and justice in the Middle East, but rather it fuels hatred and intolerance in our own community. The resolution creates a hostile and unsafe environment for the Jewish residents of Berkeley, who are already facing a rise in antisemitism and discrimination. I have heard about these experiences from Jewish people, others in our community, and in my own family.

I urge you to reject this resolution and to take the side of peace and dialogue, and to work for the needs of all Berkeley citizens. Let us not allow a foreign conflict to divide us, but rather let us focus on the common values and goals that unite us.

Sincerely

Rita

Sent from my iPhone

**Benado, Tony**

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**From:** Robin Wenrick <rwenrick@icloud.com>  
**Sent:** Monday, November 27, 2023 12:12 AM  
**To:** All Council  
**Cc:** Ed Wenrick; Ty Wenrick; Trey Wenrick  
**Subject:** Urgent, please read re: Your role as our elected officials

**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,

I can't believe that I am taking time from my family during the last minutes of a holiday to give thanks for those around us to write to you, but I was told that you are discussing a resolution or statement of some kind about the war between Israel and Hamas at your meeting this coming Tuesday. As a Berkeley resident of 25 years with two sons that went to King and BHS and are now grown adults (20 and 22 years), my entire family and I want to weigh in and say that we don't believe the council has any business taking sides in a conflict happening on the other side of the planet...a very complicated conflict with enormous suffering on both sides... that has the power to deeply divide our city. That is simply not what you were elected to do. It's your job to ensure public safety and these types of resolutions do nothing but create divisiveness, tension and conflict among neighbors. We have very strong feelings about the war but will not share them here because, again, we don't think they are relevant to the work of the council. If you choose to bow to public pressure and allow those screaming the loudest (and with the most vile rhetoric, lies and propaganda) to determine your mission and work...we hope you will at least create a statement that is fair and balanced. Condemning one side or the other is absolutely inappropriate in this centuries-old conflict.

The Wenrick Family (Robin, Ed, Ty and Trey)  
29 Bonnie Lane. Berkeley

**Benado, Tony**

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**From:** philippa kelly <philippakellydresher@gmail.com>  
**Sent:** Monday, November 27, 2023 12:19 AM  
**To:** All Council  
**Subject:** prosed 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 Council Members,

I want to signal my opposition to the "Berkeley for Palestine" resolution that is going to be voted on in the next city council meeting.

I know that this resolution comes from the council's desperate wish, on behalf of us all, to put a stop to the horror that is being inflicted on innocent lives. But what upsets me about the proposal is that it seems to be throwing its weight behind one side and thereby perpetuating misunderstanding and division. (I do have to admit that to me it seems especially insensitive in view of the origin of Oct 7, which saw the explosion of 1300 young Israeli lives in the HMAS attack.) How can the proposed resolution possibly move our community forward? I fear that it will do the reverse.

I would be so much happier with a resolution for peace and compassion. (You might be able to think of a less milk-toasty name for it, but I hope you understand my meaning.) Can't we break away from a reactive aggression and register our powerful drive for peace?

Philippa Kelly  
510 5936493

**Benado, Tony**

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**From:** Rabbi Chai Levy <rabbi@netivotshalom.org>  
**Sent:** Monday, November 27, 2023 8:39 AM  
**To:** All Council  
**Subject:** appreciation and offer  
**Attachments:** Toldot sermon Rabbi Chai Levy.docx

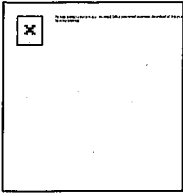
**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and Berkeley City Council members,  
First I want to thank you for the ways you've been supportive of the Berkeley Jewish community. It meant a lot to us to have several of you attend and show support at the "Bring Them Home" Shabbat table for the hostages in Gaza event on November 10. Really, thank you.

Secondly, I understand you are receiving pressure to make a statement about the Israel-Hamas war. Thank you for not doing so. I have also received some pressure from individuals in my synagogue to make a statement, and I, with the support of my synagogue's board, am not doing so. I have explained in various settings and writings that the community is best served not by a specific policy statement, such as for or against a ceasefire, but by emphasizing support for our community and their extended family affected in the region and by creating a safe place for holding the intense pain and grief that we're feeling. We believe that statements would only add to our pain by furthering polarization and would not be effective in decreasing the suffering of anyone impacted by this terrible war.

I wanted to share with you a sermon I did on this topic recently on Nov 18. It's about the impossible moral questions that have no easy answers, the internal struggle many of us are feeling about this war, why "statements" aren't helpful, and how what we really need are ways to express our shared pain and find our shared humanity. I've attached it, if you're interested and have the time to read it. I would be glad to help facilitate or help organize some kind of compassionate listening experience in Berkeley as an alternative path to arguing about statements. Please be in touch if I can be useful to you in that way.

Thank you again for your support, and thank you for all you do for the community.  
Rabbi Chai Levy  
Congregation Netivot Shalom, Berkeley



## **Rabbi Chai Levy**

**Congregation**

**Netivot Shalom**

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Rabbi Chai Levy, Congregation Netivot Shalom, Toldot sermon 11/18/23

The story of Rebecca and Jacobs's deception of Isaac raises some moral questions that are uncomfortable to talk about. But we need to talk about uncomfortable moral questions.

Some commentaries attempt to make sense of, or justify Rebecca's encouraging Jacob to deceive his father Isaac by disguising himself as the hairier Esav and tricking his father into blessing him instead of his brother. Jacob has already gotten Esav to trade his birthright for a bowl of lentil stew, and now he's tricked him out of his father's special blessing for the firstborn.

Ah, but wasn't Rebecca just fulfilling God's wishes?  
She received a prophecy when she was pregnant with the twins.  
When Jacob and Esav struggled in her womb,  
God gave her a clear message: two nations are in your womb,  
*Shnei goyim b'vitneych*, and the older shall serve the younger! (Genesis 25:23)

So was it moral for Rebecca to direct Jacob to deceive his blind father to get his blessing? Was it ok to lie in order to fulfill God's will? Is it ok to do something that would otherwise be considered unethical, if it's for a just cause?

This is a thorny and difficult question.

It's also a very relevant question for us today, as our people engages in war. A defensive war, against a brutal enemy who attacked us, continues to attack us, to hold our people hostage, and wants to destroy us and wipe us off the map. And a war in which our terrorist enemy uses civilians, hospitals, schools - human shields - and we, end up in the horrible position of killing and displacing civilians and children as we fight to defend ourselves and our right to exist.

I know I'm not alone in struggling with these questions of morality. Certainly there are many loud voices today – on social media, in marches and protests, in schools, in city and university statements and resolutions – that seem to have a clear answer about “ceasefire” or “no ceasefire” or what to do when Hamas is operating from a hospital in Gaza. Beyond the loud voices, slogans, memes, and protests,

I think many of us are struggling with the difficult moral questions that cannot be conveyed in slogans or posters held at a rally.

A friend posted this week<sup>1</sup>:

What do we want?! NUANCE!

When do we want it?! OVER AN EXTENDED PERIOD OF IN-DEPTH CONVERSATION!

I recently heard a story<sup>2</sup> about Rabbi David Forman, z"l. He was the founder of Rabbis for Human Rights, and I am old friends with his son-in-law, Rabbi Michael Schwartz. Rabbi Forman was a trailblazer among Israelis working for Palestinian human rights.

“David was born in America and made Aliyah as a young man filled with visionary humane ideals. His early years as an Israeli of course included military service, he told a story from his time in the IDF. He served as the commander of a tank battalion in the First Lebanon War in 1982. He had received his orders to lead his men into a battle in southern Lebanon. When they arrived, there were the terrorists, and there were the human shields deliberately placed in front of them. And David was left to decide – do I order my men to fire? If I have them fire, we will absolutely kill innocent people. If I have them hold their fire, it is all but certain that one or more of us will be killed. There is no time to decide. What should I do? David chose not to reveal the decision he made. Instead, he placed the dilemma before his audience as he shared this story. What would you do?

Rabbi David Forman, the founding Rabbi for Human Rights, said, “I didn’t tell you this story to reveal the ‘right answer’ – that is, to reveal what I did in that situation. I told the story to demonstrate something about morality that most people don’t want to accept. “You see, most of us want morality to be about choosing between right and wrong. But I have learned that moral choices are never between right and wrong – because right and wrong is easy. You do what’s right. Moral choices are between right and right... and between wrong and wrong. It is wrong to open fire and kill those innocent civilians. And it is wrong to hold fire and rob an Israeli family of a loved one who courageously put his life on the line for his family and his people. It is right to kill terrorists who declare their genocidal

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<sup>1</sup> See Shir Yaakov Feit facebook post 11/16/23 <https://www.facebook.com/shiryaakov>

<sup>2</sup> From sermon by Rabbi Ken Chasen, shared by my friend, Rabbi Michael Schwartz, son-in-law of Rabbi David Forman, z"l: <https://leobaekctemple.org/media/8fh827x/the-stained-canvas-of-morality-rabbi-ken-chasen?fbclid=IwAR07khzYBJCBIhue4oDdU8RUUpPoDylhHd38pZiQpdGJy4dXt21kEVJMXcKA>

intent, along with their preference to die instead of negotiating a peaceful solution. And it is right to preserve the lives of innocent people trapped by a regime that weaponizes their deaths.”

Which brings me back to Rebecca.

And the question her story raises of:

Is it ok to do an otherwise unethical thing for a just cause?

Was it ok to deceive a blind Isaac and trick him into giving the blessing to Jacob, because that’s what God wants?

Like Rabbi Forman, I’m not going to answer that question.

Because I think that we all have to wrestle with that question ourselves,

And my point is not to answer the question, but to say:

Moral questions are not between right and wrong, rather,

Moral questions are terribly difficult to answer.

Even though the Torah seems ok with Jacob taking the blessing from Esav, with Jacob becoming our next patriarch after Abraham and Isaac, and with Esav treated in our tradition as the father of our enemy, the Edomites – Jacob later faces the consequences of his deception:

He has to flee from Esav and they are separated for 20 years,

And he himself is later deceived in turn by his uncle Laban, and so on.

It seems to me that the Torah tells this story of Rebecca and Jacob’s deception Not to give a clear answer to the question of: did they do the right thing?

But to raise for us the issue of moral questions,

Moral questions that have no easy answer.

The story could have been told without such a moral question -

I mean, why couldn’t Rebecca simply have COMMUNICATED with Isaac?

She could have said: “Look, Isaac, I had a prophecy from God that the older will serve the younger, so please give the blessing to Jacob.”

Why was the whole story about the deception and the fake hairiness needed?

Maybe to tell us a story about difficult moral questions.

That sometimes the answer can’t be easily stated on a poster, a social media meme, a slogan.

That sometimes, it’s not a simple binary between right and wrong, but it is a knotty, complex, painful situation with no easy answer.

That there are things that are right either way and wrong either way,



as Rabbi Forman said in his story.

Maybe the clearest image in our parasha is not  
Whether Rebecca and Jacob did the right thing, but  
The image of *the struggle* in her womb when Rebecca is pregnant with Jacob and  
Esav. "The children struggled in her womb" (Genesis 25:23)

וַיִּתְרַצְצוּ הַבָּנִים בְּקֶרֶבָהּ וַתֹּאמֶר אִם־כֵּן לָמָּה זֶה אֲנֹכִי

The commentator, Or HaChaim, the 18<sup>th</sup> century Moroccan Rabbi Hayyim ben  
Moshe ibn Attar says "The meaning of the word וַיִּתְרַצְצוּ is based on the root רצץ,  
to crush. Since there were two fetuses in her womb she felt as if her womb was  
being crushed."<sup>3</sup> It means: crushed, broken, exhausted.

She is in agony over this internal struggle.

It makes her question everything:

אִם־כֵּן לָמָּה זֶה אֲנֹכִי

"if so, why do I exist?"

And perhaps speaking of that crushing struggle is all we can really say with clarity  
in moments of impossible moral questions.

So many people around the world are lashing out at each other right now.  
In protests, on social media, at school board meetings, tearing down posters,  
shutting down the Bay Bridge for 6 hours, spending endless hours fighting over  
nuances of language in statements and resolutions that frankly make no  
difference to Israelis and Palestinians who are dying and mourning.

Everyone is so agitated, so activated, behaving so awfully to each other.  
Friends are distancing from each other with suspicion and a sense of betrayal.  
Allies who could be working together on shared goals have become divided as  
ideological enemies. What is going on?

The answer: We are in deep pain.

Our insides are crushed and broken, like Rebecca's,

וַיִּתְרַצְצוּ הַבָּנִים בְּקֶרֶבָהּ

And we feel the need to do something.

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<sup>3</sup> [https://www.sefaria.org/Or\\_HaChaim\\_on\\_Genesis.25.22?lang=bi&with=all&lang2=en](https://www.sefaria.org/Or_HaChaim_on_Genesis.25.22?lang=bi&with=all&lang2=en)

Rabbi Amy Eilberg, who works as a peace maker and mediator, recently wrote<sup>4</sup>:  
“Over the years, I have learned many things about what moves people to rhetorically attack all those perceived to be “on the other side” at times of conflict and deep pain. I understood this to be an intellectualized version of the “fight” part of the “fight or flight” reflex, extremely common in discourse around conflict. In more recent years, many of us have learned about this kind of belligerent speech as a response to trauma.

In this current moment of intense collective pain, I notice another element: how many of us (myself included) regularly “go to our heads,” reflexively wrestling with policy issues and attempts to predict the future, compulsively consuming more and more videos and webinars, and debating multiple organizational statements, rather than feeling the pain of what we have all witnessed and experienced. We live out the illusion that if we could just “figure it out,” find the “right” analysis or prognostication or land a fatal verbal blow on an objectionable post, then we would feel better.”

And this is really what I want to say today.

The moral questions are horrible.

The whole situation is horrible. Beyond horrible.

There aren’t words to describe how horrible it is.

We are all hurting, angry, devastated. It’s excruciating.

And there is an impulse to go to our heads, to argue, to demonize each other for having the wrong opinion, to use extreme and polarizing language, to take a side, a position, make a statement. People who have very little knowledge about the history of the Israeli-Palestinian conflict - students, celebrities, town councils, anyone with a social media account – are making polarizing statements.

And we’re doing it in response to the fact that we’re all in pain.

What if we could all just stop and be sad together?

And feel our shared humanity and our grief and our pain and our care for human beings, the children and the babies, and the future?

Like the pregnant Rebecca: וַיִּתְרָצְפוּ הַבָּנִים בְּקִרְבָּהּ

What if we could just feel together the crushing feeling inside us, the brokenness, the struggle?

And admit that moral questions don’t have simple answers?

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<sup>4</sup> <https://evolve.reconstructingjudaism.org/lovingkindness-in-a-time-of-war/>

You may have noticed that we as a shul are not issuing a “statement” about Israeli policy or military strategy.

Yes, there are certainly things I think we can say with clarity:

- We should do whatever we can to bring the hostages home safely.
- Hamas is a brutal terrorist organization that needs to be defeated
- Israel should engage morally within the ethics of war and should minimize civilian deaths in Gaza.
- And that we stand against the ugly anti-semitism that is rearing its head

But we as a synagogue are not issuing a “statement” because that would only add to the polarization and weaken us and that is the opposite of what we need as a community.

We are all in deep pain. No matter our political views, I think we are all feeling that crushing struggle inside, and as a synagogue, our goal is to be a place where we can come together in our pain, and feel our shared humanity and mourn and pray and hope and care and recognize that moral questions are those that don’t have simple answers.

Perhaps not only for our synagogue but for everyone in the world taking a “side”: more important and effective than polarizing statements and slogans is to give voice to the crushing struggle inside of us, And from our shared pain, rediscover our shared humanity and compassion, and find strength in each other and create openings to new possibilities.

Shabbat Shalom

**Benado, Tony**

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**From:** Elana Auerbach <elanarobyn@gmail.com>  
**Sent:** Monday, November 27, 2023 9:18 AM  
**To:** All Council  
**Subject:** Permanent Ceasefire in Israel/Palestine ~ Please Join the Chorus of Voices and Pass a 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.

Greetings All~

My grandfather liberated concentration camps in World War II. The words "never again" echoed through my childhood. I am a Jew who stands for PEACE. The only way peace will arise is if there is a permanent ceasefire, the violence must stop.

The Berkeley Jewish community is not a monolith. I am not fearful, my son who attends Berkeley High is not fearful and many Berkeley Jews I know are not fearful. That said, there are some in our Jewish community who are afraid and who claim that a ceasefire resolution would be antisemitic. Some of these same people refuse to accept that Israel operates as an apartheid state.

Most recently, I visited Israel in December 2019 and went to Bethlehem. I saw with my own eyes the apartheid condition the Palestinians in the West Bank are enduring.

True leaders are willing to be courageous and not shy away from truth. For the past several decades, those in favor of Netanyahu's administration have mendaciously branded any criticisms of the Israeli government as antisemitism. It is crucial to decouple criticism of the Israeli government from criticism of the Jewish people.

Naomi Klein's concept of being in a "mirror world" is relevant here. For instance, Netanyahu's government and many Jews claim that a permanent ceasefire would lead to more Israelis being killed because Hamas has sworn to wreak more horror. Meanwhile, it is Israel who continues to kill Palestinians during this current "ceasefire."

Jewish fragility is increasingly evident here in Berkeley and around the world. I have compassion for this and understand some of it stems from millenia of ancestral trauma. Please don't pander to the unhealed psychological and emotional wounding of Jews. Be compassionate and courageous and pass a resolution that demands a permanent ceasefire *now*.

It's not too late to be on the side of justice and humanity~  
 Elana Auerbach

**Benado, Tony**

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**From:** Cris Arguedas <crisarguedas1@gmail.com>  
**Sent:** Monday, November 27, 2023 9:19 AM  
**To:** All Council  
**Subject:** Berkeley City Council should stay out of foreign affairs

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 All,

I'm aware that the City Council is being urged to express an opinion on Israel's war against Hamas.

I strongly urge you to refrain from doing so. The whole subject is obviously beyond the jurisdiction of the city council, the council's members were not elected to represent anyone on the subject of foreign affairs, and the situation is far too complex for this body to make an informed judgment.

More to the point, I don't think you can fairly represent your constituents beliefs on this subject. I'm a Berkeley Voter from District Six. My representative would have no way of knowing my views. I see this as a war which Israel was forced to wage as a result of a deadly, horrific invasion. The tragedies of the war are obvious, but it is one that must be fought and won to avoid further and worse tragedies.

I don't expect the City Council to reflect my view or to reflect the opposite view; but I would think it extremely inappropriate if it took an official action on the subject, one way or the other.

Sincerely,

Cris Arguedas

**Benado, Tony**

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**From:** Vanessa Davis <vanessa.davis821@gmail.com>  
**Sent:** Sunday, November 26, 2023 7:51 PM  
**To:** All Council  
**Subject:** Israel/Gaza War

**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, Mr. Taplin and Members of the Berkeley City Council:

I am a resident of Berkeley's District 2, a consistent voter, and a Jew. I am writing because I understand that you have received numerous communications asking the Council to formally support the "Free Palestine" movement or call for a "ceasefire" in the Israel-Hamas war. I urge you to decline to make any such statements.

First, it would be unfruitful and irresponsible for the City Council to spend its limited time and resources taking positions on foreign wars rather than working on the local problems it was elected to confront. But a declaration in support of the "Free Palestine" movement would be worse than just absurd—it would raise questions of antisemitism. In recent years numerous peoples in foreign lands have endured terrible misfortunes. To pick only a few instances involving Muslim victims, there is the ongoing deportation of Afghans by Pakistan; China's persecution of Uyghurs in Xinjiang; Saudi Arabia's killing of hundreds of thousands of Yemenis; Bashar al-Assad's murder of hundreds of thousands of his own people, including Palestinians, during the Syrian civil war; and on and on. As far as I can tell, the City Council has not expressed a view on any of these atrocities. In the context of thousands of years of scapegoating and repression of Jews around the world, and spiking antisemitism worldwide and here in the United States, it would be deeply unsettling if the Berkeley City Council were to pick as the single foreign conflict on which it decided to take a position the one that permitted it to point an accusing finger at the Jewish homeland.

Second, the calls for "ceasefire" or to "Free Palestine" are wrongheaded as a substantive matter.

The war on Hamas has been accompanied by tragic suffering among the people living in Gaza. But, regardless of your views about the current Israeli government, the responsibility for this war undeniably lies with Hamas. As you know, on October 7, 2023, Hamas terrorists murdered over 1,000 Jews living in Israel—including young children; elderly Holocaust survivors; mothers; daughters; sons; fathers; and a large number of teenagers and young adults, many the age of Berkeley High School and UC Berkeley students, who were attending a dance party. The terrorists also kidnapped over 200 people and committed unspeakable acts of sexual violence against Jewish women. This was not a one-off occurrence: Hamas, the governing body in Gaza, has always been committed to killing the Jews or expelling them from Israel, and a member of Hamas's political bureau recently confirmed that the October 7 pogrom was "just the first time," and that Hamas "will do it twice and three times" until Israel is "remove[d]." As a practical matter, calls for a "ceasefire," no matter how well-intentioned, constitute a demand that Israel simply let Hamas try to kill its Jewish citizens, without responding, until Hamas succeeds in its horrific mission.

In any case, the "Free Palestine" movement's core principles are not mere pacifism. Rather, the movement, as practiced here and worldwide, comprises a call for the destruction of the Jewish state.

Western adherents sometimes try to justify seeking this result with appeals to familiar social justice tropes. You have undoubtedly received letters referring to Israelis as "colonialists" and hinting (or outright asserting) that Jews brought violence upon themselves by "colonizing" Israel. Indeed, this is the dominant mode of analysis for the "Free Palestine" movement. But it is ahistorical. The Jewish citizens of Israel are descended from:

- Jews who lived continuously in the area for thousands of years;
- Refugees who survived the Holocaust and no longer had homes in Europe;

- Jews whose families lived for generations in Iraq, Egypt, Yemen and other Middle Eastern countries but were forcibly ejected from those lands between 1948 and the 1970s; and

- Refugees from centuries of other similar antisemitic atrocities and disasters across Europe and the Middle East.

It is misguided and dangerous to suggest that the descendants of stateless refugees and victims of centuries of abhorrent state and non-state violence constitute some sort of colonialist power.

Even more dangerous is the frequently-expressed concept that there is something immoral about the very idea of Zionism (which posits that Jews should have a homeland) or that the Israeli project has as a central focus the repression of the Palestinian people. The opposite is closer to the truth: Palestinian leaders have numerous times since the 1940s rejected an opportunity for the creation of an autonomous Palestinian state precisely because those opportunities would also have allowed for the continued existence of Jewish Israel. Unfortunately, the "Free Palestine" movement here in Berkeley seems to concur with this approach to the conflict. Recently, [150 student marchers at Berkeley High](#), like participants in similar marches across our nation, chanted "From the River to the Sea, Palestine Will be Free." That slogan means "No more Israel." Under this pernicious worldview, the seven million Jews who live in Israel must either die or return to the status of stateless refugees like their forebears.

Jews in America are feeling besieged these days because it is these "anti-Zionist" concepts—now openly expressed at government meetings and in school hallways—that gave rise to the October 7, 2023 pogrom. Indeed, one "Free Palestine" group [here in Berkeley](#) even offered its "unwavering support" for Hamas's antisemitic violence.

The Berkeley City Council has no reason to weigh in on this war. Lending the city's imprimatur to the "Free Palestine" movement's repugnant rhetoric would make its Jewish citizens feel unsafe and create deeper divides in our community. I urge you to focus on the issues of Berkeley governance and refrain from taking a position on the war in Israel.

Best regards,

Vanessa Davis

Sent from my tiny computer

**Benado, Tony**

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**From:** May <ktanam28@gmail.com>  
**Sent:** Sunday, November 26, 2023 8:33 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.

Dear Mayor and Council members,

I am emailing you today regarding the upcoming discussion about the Ceasefire Resolution on Tuesday.

I am an Israeli-American Jewish parent, a longtime resident of the city of Berkeley (and an alumna of Berkeley City College and UC Berkeley), urging you to reject outside attempts to adopt inflammatory resolutions about the Israel-Hamas War. Like you, I watched in horror as the City of Richmond voted on a bigoted resolution that fractured their community and exacerbated the fear and isolation so many Jewish residents are feeling. After the deadliest attack on the Jewish community since the Holocaust seven weeks ago, **NOW IS NOT THE TIME** to play politics with community safety. In my opinion, the "Richmond approach" is **NOT** the way forward. As we witnessed in the past weeks, efforts to adopt biased and inaccurate resolutions will only cause more division in our beloved community.

During this time of rising hate and antisemitism, I'm asking you to lead with empathy and ensure all local residents feel supported and welcomed. The ongoing war between Israel and Hamas has deeply impacted many members of our community. Many of us are in mourning. Many of us have family members or friends who were murdered or injured in the Oct. 7th attack. Many of us pray for the return of our family members and friends who have been kidnapped and are still being held in captivity by Hamas terrorists in Gaza's underground tunnels. Many of us have family members who are currently displaced, or are under a daily attack of missiles, RPG, and suicide drones.

I know that you are under a lot of pressure from many community members - who may have good intentions and think they advocate for a right cause - to support this resolution. However, from what I hear and see, many of the people who call for a ceasefire are not from the Middle East, they don't have family or friends who are directly impacted, and are rather ignorant and misinformed about the history and politics of this conflict. Therefore, I would like to share with you my opinion, as a woman who was born and raised in Israel, a leftist in my country, a person who has always (and still is) advocating for Palestinians' rights, for peace, and for a two-state solution, a person who has protested against the current government, and who has always voted for political parties who advocate for a two-state solution.

A call for a one-sided ceasefire without demanding the return of ALL Israeli hostages and the complete surrender of Hamas is **NOT** the solution. Keeping Hamas in power in Gaza, a radical Islamist terror organization that steals all aid from its citizens, uses them as human shields, teaches them to hate and kill Jews ever since they are born, and kills its own opponents, will not help "Free Palestine" in any way. In fact, it will only inflict more violence and death on both Israelis and Palestinians. Hamas leaders said they will do Oct. 7th again and again, and are committed to killing the Jews and destroying Israel. By doing so, they are deeming the Palestinian and Israeli citizens for an endless cycle of violence, suffering and death. It will harm both Israelis and Palestinians, both in the short and in the long run.

It is possible that you do not agree with me on political strategies. If this is the case, I only beg you to think about what this kind of resolution will do to our community, which is composed of both Israelis and Palestinians, both Jews and Muslims. Inaccurate and one-sided resolutions will not solve the conflict or bring us any closer to peace. We must bring our community together in these harsh times – not pull ourselves apart.

Thank you for taking the time to read this letter. I truly appreciate your compassion and understanding.

With gratitude.

Dr. Meital Mashash



**Benado, Tony**

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**From:** Noga Alon <noga.h.alon@gmail.com>  
**Sent:** Sunday, November 26, 2023 8:46 PM  
**To:** All Council  
**Subject:** Reject one-sided resolutions on Israel-Hamas war

**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 Council members,

I am an Israeli-American Jewish resident urging you to reject outside attempts to adopt inflammatory resolutions about the Israel-Hamas War. Like you, I watched in horror as the City of Richmond voted on a bigoted resolution that fractured their community and exacerbated the fear and isolation so many Jewish residents are feeling. After the deadliest attack on the Jewish community since the Holocaust seven weeks ago, NOW IS NOT THE TIME to play politics with community safety.

Let me be clear – the “Richmond approach” is NOT the way forward. As we witnessed in the past weeks, efforts to adopt biased and inaccurate resolutions will only sow more division in our beloved community.

During this time of rising hate and antisemitism, I’m asking you to lead with empathy and ensure all local residents feel supported and welcomed. The ongoing war between Israel and Hamas has deeply impacted many members of our community. Many of us are in mourning. Many of us have family members or friends who were murdered or injured in the Oct. 7th attack. Many of us pray for the return of our family members and friends who have been kidnapped and are still being held in captivity by Hamas terrorists in Gaza’s underground tunnels. Many of us have family members who are currently displaced, or are under a daily attack of missiles, RPG, and suicide drones.

I know that you are under a lot of pressure from many community members - who may have good intentions and think they advocate for a right cause - to support this resolution. However, from what I hear and see, many of the people who call for a ceasefire are not from the Middle East, they don’t have family or friends who are directly impacted, and are rather ignorant and misinformed about the history and politics of this conflict. Therefore, I would like to share with you my opinion, as a woman who was born and raised in Israel, a leftist in my country, a person who has always (and still is) advocating for Palestinians’ rights, for peace, and for a two-state solution, a person who has protested against the current government, and who has always voted for political parties who advocate for a two-state solution.

A call for a one-sided ceasefire without demanding the return of ALL Israeli hostages and the complete surrender of Hamas is NOT the solution. Keeping Hamas in power of Gaza, a radical Islamist terror organization which steals all aid from its citizens, uses them as human shields, teaches them to hate and kill Jews ever since they are born, and kills its own opponents, will not help “Free Palestine” in any way. In fact, it will only inflict more violence and death for both Israelis and Palestinians. Hamas leaders said they will do Oct. 7th again and again, and are committed to kill the Jews and destroy Israel. By doing so, they are deeming the Palestinian and Israeli citizens for an endless cycle of violence, suffering and death. It will harm both Israelis and Palestinians, both in the short and in the long run.

It is possible that you do not agree with me on political strategies. If this is the case, I only beg you to think about what this kind of resolution will do to our community, who is comprised with both Israelis and Palestinians, with both Jews and Muslims. Inaccurate and one-sided resolutions will not solve the conflict or bring us any closer to peace. We must bring our community together in these harsh times – not pull ourselves apart.

Thank you for your compassion and understanding.

With gratitude,  
Noga Alon

**Benado, Tony**

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**From:** Dahlia Frydman <dahliafrydman@yahoo.com>  
**Sent:** Sunday, November 26, 2023 8:48 PM  
**To:** All Council  
**Subject:** Statement/Position on Israel-Hamas conflict at upcoming city council meeting

**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 Members of City Council,

I am writing to you as a longtime resident of Berkeley (District 1), and a concerned member of our diverse community. It is with a deep sense of respect for our city's history of activism and dialogue that I address the issue of the city council's position on international conflicts, specifically the resumption of hostilities between Israel and Hamas.

In recent weeks, as the conflict between Israel and Hamas has intensified, we have seen a troubling rise in both antisemitic and Islamophobic incidents globally and, sadly, within our community. This uptick in hateful acts is a direct result of the charged rhetoric surrounding this conflict. In light of this, I urge our city council to either refrain from taking a position on this sensitive matter or, if a stance is deemed necessary, to adopt a balanced and measured approach.

If the council chooses to address this issue, I would ask that your statement recognizes the role of Hamas in initiating the latest cycle of violence, while simultaneously calling for the return of hostages, and advocating for restraint on both sides; to minimize collateral damage to innocent civilians in Gaza and Israel. Such a balanced stance would demonstrate our city's commitment to peace and justice for all parties involved.

Berkeley has always been a beacon of progressivism, where diverse opinions are not only tolerated but encouraged. Our words and actions in these times can either soothe or inflame tensions. It is my sincere hope that we can model a path of constructive engagement and thoughtful discourse.

Thank you for considering my perspective on this important issue and for guiding our community through these challenging times.

Sincerely,

Dahlia Frydman Tenenbaum

**Definition Racism:**

No one should be "persecuted, demeaned or discriminated against because of their identity," which encompasses faith, race, gender, sexual orientation, national origin and more.

Racism "occurs when individuals or institutions show more favorable evaluation or treatment of an individual or group based on race or ethnicity."

**Benado, Tony**

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**From:** Aviva Gilbert <aviva.gilbert@gmail.com>  
**Sent:** Sunday, November 26, 2023 8:47 PM  
**To:** All Council  
**Subject:** No to unnecessary, divisive, and inflammatory anti-Israel resolutions

**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.

Councilmembers,

I am a Berkeley resident (and native) and I write to urge you to reject attempts to adopt inflammatory resolutions about the Israel-Hamas War. I saw how divisive, upsetting, and anti-semitic the City of Richmond's bigoted resolution was. It fractured their community and exacerbated the fear and isolation so many Jewish Americans are feeling, including those of us in Berkeley. After the deadliest attack on the Jewish community since the Holocaust, and thousands of Palestinian deaths, playing politics with these resolutions is an unnecessary, hurtful, and divisive step that has no place here.

Given the rise in hate speech, racism, and antisemitism we have seen over the past few years (and especially the past few weeks) I am asking you to lead with empathy and ensure all Berkeley residents feel supported and welcomed. The ongoing war between Israel and Hamas has deeply impacted many members of our community. Many of us are in mourning, including for family members traumatized, hurt, and worse. Inaccurate and one-sided resolutions will not solve the conflict or bring us any closer to peace. We must bring our community together – not pull ourselves apart.

With gratitude,

Aviva Gilbert

**Benado, Tony**

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**From:** Jenna Lewis <jennalewis28@gmail.com>  
**Sent:** Sunday, November 26, 2023 7:20 PM  
**To:** All Council  
**Subject:** NO to a resolution regarding Palestine - Israel

**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 Council Members,

I'm writing to you as a lifelong Berkeley resident, voter, and Jew. Please do not make a resolution regarding the war in Palestine - Israel.

There are many horrific conflicts all over the world. I ask that the council focuses not on global politics, but instead on the local issues about which you were elected to govern.

If the council sees fit to make a resolution regarding Palestine and Israel, the resolution must be fair and balanced. A fair and balanced resolution would address the following:

- both Jews and Palestinians belong to the land, and both peoples deserve to live in safety and freedom in the land.
- Neither Jewish nor Palestinian peoples should be conflated with the governments that represent them; doing so leads to antisemitism and islamophobia.
- peace depends on our ability to fight relentlessly for our shared humanity. Any declaration that intends to advance humanity must articulate a shared vision, which means that it must not be seen as taking a side.

Thank you,  
Jenna Lewis,  
2164 Blake Street

**Benado, Tony**

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**From:** Chiara Juster <chiarapnw@gmail.com>  
**Sent:** Sunday, November 26, 2023 7:04 PM  
**To:** All Council  
**Subject:** Conflict 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 Council Members,

I am writing to urge the Berkeley City Council not to take a public position on the current Israel-Hamas conflict.

I have lived in Berkeley for three years. The first year I lived here someone littered our home with antisemitic propaganda. I was shocked. A couple of months ago, a week before the war started, my daughter was called an antisemitic name at Willard middle school. Again, I was shocked. In the time since the war started I have stopped being shocked from what I see and what I hear here in Berkeley, I am now just sad and afraid.

Please protect all residents of Berkeley. Please make Berkeley a place where all are welcome. Please do not contribute to further division in this community. A community I moved to full of hope, a community where I no longer feel safe or welcome (not even in my home which has been burglarized). Make this community better. From what I've seen in the few years since moving here, this is not a safe place where people preach love. This community is not a place where people respect and value one another. Let's change that.

Respectfully,

Chiara Juster

Sent from my iPhone

Sent from my iPhone

**Benado, Tony**

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**From:** Seth Engel <seth.engel@gmail.com>  
**Sent:** Sunday, November 26, 2023 7:19 PM  
**To:** Taplin, Terry; Kesarwani, Rashi; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Taplin, Terry  
**Cc:** All Council; Berkeley Mayor's Office  
**Subject:** Statement/Position on Israel-Hamas conflict at upcoming city council meeting

**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 Members of the Berkeley City Council,

I am writing to you as a longtime resident of Berkeley (District 2), a parent of children in BUSD and a concerned member of our diverse community. It is with a deep sense of respect for our city's history of activism and dialogue that I address the issue of the city council's position on international conflicts, specifically the resumption of hostilities between Israel and Hamas since October 7th.

In recent weeks, as the conflict between Israel and Hamas has intensified, we have seen a troubling rise in both antisemitic and Islamophobic incidents globally and, sadly, within our community. This uptick in hateful acts is a direct result of the charged rhetoric surrounding this conflict. In light of this, I urge our city council to either refrain from taking a position on this sensitive matter or, if a stance is deemed necessary, to adopt a balanced and measured approach.

If the council chooses to address this issue, I would ask that your statement recognizes the role of Hamas in initiating the latest cycle of violence while simultaneously calling for the return of hostages and advocating for restraint on both sides to minimize collateral damage to innocent civilians in Gaza and Israel. Such a balanced stance would demonstrate our city's commitment to peace and justice for all parties involved.

Berkeley has always been a beacon of progressivism, where diverse opinions are not only tolerated but encouraged. Our words and actions in these times can either soothe or inflame tensions. It is my sincere hope that we can model a path of constructive engagement and thoughtful discourse.

Thank you for considering my perspective on this important issue and for guiding our community through these challenging times.

Sincerely,

Seth Engel

Sent from my iPhone



**Benado, Tony**

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**From:** Jennifer Burt <Jennifer@michaelburtlaw.com>  
**Sent:** Sunday, November 26, 2023 8:52 PM  
**To:** All Council  
**Cc:** Jennifer Burt  
**Subject:** Events happening in the Middle East

**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 All Members of the City of Berkeley City Council,

I am a resident of Berkeley for over two decades, a Berkeley homeowner, and a mother of a son who went through BUSD.

I strongly urge all members of this council to **resist the pressure to adopt a statement or resolution regarding events in the Middle East.**

The people of Berkeley have a lot of diverse opinions about a lot of things, some of which are fiercely meaningful to them, and yet you do not adopt position statements on all of them. Because, simply, that is not your role as city council members. It should be the same with this issue.

The residents of the city did not elect you to opine, or to take precious time to develop statements, on conflicts in other countries - however close these events may be to members of this community.

To wade into these charged waters will require much unnecessary exertion, and will risk rendering our community more fractured and less safe.

We need your energies focused on Berkeley, to make decisions about local laws and policies for the city. To work on matters that are so vitally important such as crime and safety.

I thank you for your service to the people of Berkeley.

Sincerely,  
Jennifer Burt

Sent from my iPhone

**Benado, Tony**

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**From:** Mollie Mindel <mgmindel@gmail.com>  
**Sent:** Sunday, November 26, 2023 5:37 PM  
**To:** All Council  
**Subject:** Keeping Berkeley SAFE and WELCOMING

**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 Whom it May Concern,

It is my understanding that the BCC is being asked to consider and pass a resolution regarding the war in Israel and Gaza. I am asking the BCC to opt out of this political theater and remain focused on maintaining a place of safety for the beautifully diverse community living here in Berkeley. My own family, being Black and Jewish, have cherished the ability to go about our lives in a welcoming environment with no fear for our safety, even in the face of the exponential growth in antisemitism that is happening all around us. We implore you to allow that to continue by not getting involved in the politics half a world away, particularly as the backers of this resolution are not even primarily Berkeley residents but rather political activists at large with an agenda that is not concerned about our own community.

Unfortunately, while the snapshot phrase "ceasefire now!" which titles the resolution may at first glance appear to promote peace, a deeper dive into the language that is being used within these resolutions proves to promote discrimination against Jewish and Israeli-American Berkeley residents. Passing this resolution not only does nothing to actually support peace in the Middle East but rather creates a lack of safety and sense of community here at home. No good can come from passing this resolution but lots of harm can come out of it.

Please do not vote in support of the cease fire resolution.

Thank you,  
Mollie Mindel  
1920 Blake St, Berkeley, Ca 94704

**Benado, Tony**

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**From:** David Kilimnik <david.kilimnik@gmail.com>  
**Sent:** Sunday, November 26, 2023 4:38 PM  
**To:** All Council  
**Cc:** hillary  
**Subject:** NO RESOLUTION ON ISRAEL/HAMAS 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 All Members of the City of Berkeley City Council,

I am a resident of Berkeley for over 15 years, a Berkeley homeowner, and a father of three kids going through BUSD. I strongly urge all members of this council to **resist the pressure to adopt a statement or resolution regarding events in the Middle East**. The people of Berkeley have a lot of diverse opinions about a lot of things, some of which are fiercely meaningful to them, and yet (mercifully) you do not adopt position statements on all of them. Because, simply, that is not your role as city council members. So it should be with this issue. The residents of the city did not elect you to opine, or to take precious time to develop statements, on conflicts in other countries - however close these events may be to members of this community. To wade into these charged waters will require much unnecessary exertion, and will risk rendering our community more fractured and less safe. And, to repeat: it's not your job. We need your hearts, minds and energies focused on Berkeley, to make decisions about local laws and policies for the city.

I thank you for your service to the people of Berkeley.

Sincerely,  
David Kilimnik

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David Kilimnik  
415-359-4109

**Benado, Tony**

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**From:** Miriam Schultz MD <mns@stanford.edu>  
**Sent:** Sunday, November 26, 2023 4:20 PM  
**To:** All Council  
**Subject:** re. Israel/Hamas statement

**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 All Members of the City of Berkeley City Council,

I am a resident of Berkeley for over a decade, a Berkeley homeowner, and a mother of two kids going through BUSD. I strongly urge all members of this council to **resist the pressure to adopt a statement or resolution regarding events in the Middle East.**

The people of Berkeley have a lot of diverse opinions about a lot of things, some of which are fiercely meaningful to them, and yet (mercifully) you do not adopt position statements on all of them.

Because, simply, that is not your role as city council members.

So should be with this issue.

The residents of the city did not elect you to opine, or to take precious time to develop statements, on conflicts in other countries - however close these events may be to members of this community.

To wade into these charged waters will require much unnecessary exertion, and will risk rendering our community more fractured and less safe.

And, to repeat: it's not your job.

We need your hearts, minds and energies focused on Berkeley, to make decisions about local laws and policies for the city.

I thank you for all for your service to the people of Berkeley.

Sincerely,

Miriam Schultz

Miriam Schultz M.D.  
Clinical Associate Professor  
Division of Child and Adolescent Psychiatry  
Department of Psychiatry and Behavioral Sciences  
Stanford School of Medicine

**Benado, Tony**

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**From:** Rachael Friedman <rachaelfr70@gmail.com>  
**Sent:** Sunday, November 26, 2023 5:20 PM  
**To:** All Council  
**Subject:** Middle East stance

**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 All Members of the City of Berkeley City Council,

I am a resident of Berkeley, a Berkeley homeowner, and a mother of two BUSD kids. I strongly urge all members of this council to **resist the pressure to adopt a statement or resolution regarding events in the Middle East**. I don't believe the council has any business taking sides in a conflict happening on the other side of the world. Doing so would only create more divisiveness and tension among people in our city. Please consider an approach that would UNIFY rather than divide, showing our city how strong leadership can increase empathy and connection. Condemning one side or the other is absolutely inappropriate in this centuries-old, very complicated and very personal conflict.

Thank you,  
Rachael Friedman  
1866 Thousand Oaks Blvd,  
Berkeley, CA 94707

**Benado, Tony**

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**From:** Daniel Green <danielnoahgreen@gmail.com>  
**Sent:** Saturday, November 25, 2023 4:46 PM  
**To:** All Council  
**Cc:** Berkeley Mayor's Office  
**Subject:** Berkeley for 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.

Hello, I hope this message finds you well. I am writing to express my distress at the proposed resolution up for vote soon. This resolution will do nothing to advance the cause of peace, but rather will only further divide the relevant communities. The passage of this resolution will be seen by many in the Jewish community as "Berkeley for Hamas" and will make Jewish residents feel unsafe and unwelcome in the city. I hope the council has a moral compass and acknowledges the horror of the attack on October 7th, Israel's right and obligation to defend itself and the urgency of Hamas to unconditionally surrendering so that there can be actual movement towards peace since Hamas has made it clear through its founding documents, recent and ongoing actions and recent and ongoing rhetoric that peace and Hamas are incapable of coexistence.

Thank you,  
Daniel Green

**Benado, Tony**

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**From:** Forouzan Khalili <forouzank@sbcglobal.net>  
**Sent:** Sunday, November 26, 2023 1:27 PM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** NO TO RESOLUTION "Berkeley for 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.

To whom it may concern,

Recently it has been brought to my attention that the City of Berkeley will be voting on a resolution entitled " Berkeley for Palestine".

I would respectfully like to request NOT TO PASS this antisemitic resolution due to creating a divide in the citizens in the community and does not encourage nor lead to peace.

Furthermore, it makes the Jewish population feel unsafe, unsupported, and completely ignores the October 7 attack.

I thank you in advance for your attention to this grave matter.

All the best.

Forouzan khalili, Esq.

**Benado, Tony**

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**From:** Sparky <pounce21@gmail.com>  
**Sent:** Saturday, November 25, 2023 4:46 PM  
**To:** All Council  
**Cc:** Berkeley Mayor's Office  
**Subject:** Berkeley for 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.

Hello, I hope this message finds you well. I am writing to express my distress at the proposed resolution up for vote soon. This resolution will do nothing to advance the cause of peace, but rather will only further divide the relevant communities. The passage of this resolution will be seen by many in the Jewish community as "Berkeley for Hamas" and will make Jewish residents feel unsafe and unwelcome in the city. I hope the council has a moral compass and acknowledges the horror of the attack on October 7th, Israel's right and obligation to defend itself and the urgency of Hamas to unconditionally surrendering so that there can be actual movement towards peace since Hamas has made it clear through its founding documents, recent and ongoing actions and recent and ongoing rhetoric that peace and Hamas are incapable of coexistence.

Thank you,  
Daniel Green.



**Benado, Tony**

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**From:** Shira Rome <shirarome@gmail.com>  
**Sent:** Monday, November 27, 2023 3:06 PM  
**To:** All Council  
**Subject:** Stop with so much hate

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.

Stop with all this hate. Think about all the Jews that are Nobel price winners that bring so much good to the world

Sent from my iPhone

**Benado, Tony**

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**From:** Sarah Crow <sarah.e.crow@gmail.com>  
**Sent:** Monday, November 27, 2023 4:01 PM  
**To:** All Council  
**Subject:** Please decline to take a position on the Israel-Hamas war

**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 members of the Berkeley City Council,

I am a long-time resident of District 1, a homeowner, parent and voter. Like you, I have been heartbroken and horrified at the events unfolding in Israel and Palestine. I hope you are using your positions to offer comfort and kindness to any Berkeley resident who is personally affected by the violence or who has experienced hate speech related to the Israel-Hamas war.

However, your professional words and actions about the war should stop there. As a body, your challenging and important job is to focus on the issues confronting this city. **I urge you to resist the pressure to adopt a statement or resolution on the Israel-Hamas war.** The Israel-Hamas war is not within your purview and you should not seek to address it in any way. A Berkeley statement on the matter will not alleviate the suffering of anyone in that region, and it will make this community more divided.

I am the mother of Jewish children. My son has experienced anti-semitism directly at school for the first time in his life in the wake of the horrific events of October 7. Rather than inspiring empathy for the victims of the barbaric acts that were committed that day, many across the globe and in our community have felt empowered to unleash implicit or explicit anti-semitic messages. Jews in this country and in this city are feeling afraid, unsafe and unsettled by the rhetoric that they are colonizers of Palestinians (they are not) or that the actions of sadistic, murderous terrorists who unleashed a wave of unspeakable violence against Jews are justified.

I urge you to not take a formal position on this complex war that relates to generations of traumatic history. You are too likely to fan the flame of division and misunderstanding -- or worse, signal approval of anti-semitic rhetoric.

I look forward to your response, and will be closing watching your upcoming discussions.

Best regards,  
Sarah Crow  
1481 Sixth Street

**Benado, Tony**

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**From:** Kasaia Luckel <mkluckel@gmail.com>  
**Sent:** Monday, November 27, 2023 12:51 PM  
**To:** All Council; Taplin, Terry  
**Subject:** Statement re Middle East

**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.

Terry Taplin and all,

Hi, I am writing to express my concern about our city taking a stance on the war in Israel-Palestine. Since October 7, many local businesses and groups have issued statements condemning Israel's actions and even declaring that anyone supporting the existence of Israel is unwelcome in their restaurant, store, or event. Schools, teachers and governments have encouraged pro-Palestinian activism, and antisemitic symbols and slogans have been displayed and celebrated in schools, at sanctioned protests and official meetings. In addition to alienating many Jewish people, this encourages the oversimplification of a very complex issue, ultimately doing a disservice to public education and civic life here in Berkeley.

Having grown up in Berkeley (BHS class of '90), I have never been active in local politics or written a letter such as this one. Not having studied the history of the Middle East, Zionism, or grown up Jewish, I don't have a very deep knowledge of all the forces leading up to this conflict. For many (including my wife) Jewish identity is inextricably linked to Israel, and the Israeli response to the terror attack is appropriate. Whatever you believe, for our City to condemn the Israeli government's response to the terror attacks of October 7 would be unnecessarily divisive and anomalous to the goal of an inclusive, democratic and safe city.

If the City of Berkeley issues any statement regarding so complex a political issue, in such a far removed place, I would hope it would be a strong statement against the hostile policies of exclusion in our city brought on by these events. A clear indication that the City appreciates how complex this issue is, and supports teaching and dialogue that help to understand, rather than oversimplify, would benefit our city.

Thank you very much for your time and consideration!

Sincerely,

Kasaia Luckel  
2224 Browning St  
Berkeley

**Benado, Tony**

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**From:** Arielle Hassid <ariellec@gmail.com>  
**Sent:** Monday, November 27, 2023 11:42 AM  
**To:** All Council  
**Subject:** Resolution on Israel-Hamas 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 members of the Berkeley City Council,

I am writing to share my strong view that the Berkeley City Council should not take a public position on the current Israel-Hamas conflict. The conflict is part of a deeply painful, complicated situation that has truly global agitants and implications. The fact that this issue has been the subject of so much media, dialogue, negotiation, and analysis by experts in the field, who clearly cannot reach a consensus, means that any position taken by our humble City's institutions aligning with one side or the other would necessarily be reductionist and ignore people's truths.

Moreover, aligning or even highlighting one side's position over the other will have an unnecessarily divisive impact on our diverse Berkeley community. The City Council would effectively choose a side to overlook, gaslight, and marginalize. Also, to make a public statement on this particular matter while overlooking other recent, horrific conflicts and situations around the world will make any position taken here by the Council that much more suspect and divisive.

In fact, any statement on this subject presents a greater risk of fomenting social tension than providing a galvanizing front in that much of the language used by either side is interpreted by the other as inciteful and racist. Even a call for an unqualified ceasefire, under these particular circumstances, denies the complexity of the situation.

Perhaps most importantly, the City government has as its primary objective to represent and promote the safety and well-being of all of its constituents. I expect the Berkeley City Council to hold this objective above all others. I expect it to ensure that no member of this community--Arab, Israeli, Jewish, or Palestinian--feels marginalized, isolated, or unsafe.

The Berkeley City Council, and in fact all Berkeley City institutions, should fight any urge to choose a side, or make any statement, and instead remain mercifully silent.

Thank you,

Arielle Hassid  
 1180 Sterling Avenue  
 Berkeley, CA 94708

**Benado, Tony**

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**From:** Richard Taylor <richardtaylorbbc@gmail.com>  
**Sent:** Monday, November 27, 2023 12:57 PM  
**To:** All Council  
**Subject:** Resolution on the Middle East

**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 Council Members,

I am writing to express my deep concern and dismay regarding the proposed resolution on Israel's military actions in Gaza at an upcoming Council meeting.

While acknowledging the varied perspectives on this conflict, it is important to remember that the City, funded entirely by taxpayer dollars, should not serve as a platform for endorsing specific causes, especially those of a highly contentious and politically sensitive nature.

After a thorough review of the City of Berkeley's charter, I seek your clarification on which part of the code authorizes City leaders to engage in complex international affairs. Additionally, I have found it challenging to locate City resolutions addressing the numerous other global conflicts. This raises a question about the rationale behind focusing on this particularly divisive issue.

It is my belief that such resolutions, rather than fostering peace, tend to oversimplify complex issues and, in some cases, exacerbate tensions. There is a concerning correlation between public discourse on Israel and the rise in antisemitism, with an alarming increase in hate incidents targeting the Jewish community since October 7th. The public often conflates Israel with Jewish identity, and resolutions of this nature can inadvertently provide justification for antisemitic acts in our community.

In conclusion, I strongly believe that passing a resolution on this matter is beyond the Council's appropriate scope of action. I urge you to reconsider this proposal and instead focus our valuable City resources on addressing the myriad local issues that directly impact the residents of Berkeley.

Sincerely,

**Richard Taylor,  
Berkeley resident**



**Benado, Tony**

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**From:** Vincent Casalaina <proberk@aol.com>  
**Sent:** Monday, November 27, 2023 1:39 PM  
**To:** All Council  
**Subject:** Restoring Parker between Benvenue & Hillegass

**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 appalled that the block of Parker between Benvenue & Hillegass has not made it to the list of streets to be paved over the next 5 years.

Most of Parker between College and Telegraph is acceptable.

The block of Parker between Benvenue & Hillegass is basically pot holes filled over prior pot holes plus basic road deterioration on the north side of the street. This downhill portion of the block is unsafe to bike on because of the bumps and holes in the pavement.

Bikes and scooters usually ride on the left side of the street going downhill because that side is better - not great but better.

If you are looking to make biking in Berkeley safer, I urge you to find the money to fix this block in your budget discussion.

Vincent Casalaina  
bike rider - 2619 Benvenue Ave. Apt. A

**Benado, Tony**

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**From:** Cat Zavis <czavis@gmail.com>  
**Sent:** Monday, November 27, 2023 1:41 PM  
**To:** All Council  
**Subject:** Permanent Ceasefire in Israel/Palestine ~ Please Join the Chorus of Voices and Pass a 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,

My name is Rabbi Cat Zavis. I am the rabbi of *Beyt Tikkun: A Synagogue without Walls* in Berkeley, CA. I am a proud member of Rabbis4Ceasefire. I am writing to you as a rabbi to implore you to pass a resolution in support of a permanent ceasefire in Gaza. Israel is engaging in collective punishment of 2.2 million people for the acts of the military wing of Hamas. 15,000 people have been murdered, including over 4,000 children. The vast majority of people living in Gaza did not vote for Hamas. Even if they had, they can not be held responsible for the horrendous acts of Oct. 7th, anymore than civilians of Israel should be punished for the acts of the Israeli government.

Criticism of Israel is not anti-semitism anymore than criticism of the US government is anti-American. I realize it takes courage and fortitude to stand in the face of such attacks and yet that is exactly what is needed in this moment. We are watching an unfolding genocide, paid for by US tax dollars. We must have the courage to name this truth and stand on the side of justice and love.

Please do not hide behind Jewish trauma and fear. Be courageous and compassionate and pass a resolution calling for a ***permanent ceasefire now*** - the people, the children of Gaza cannot wait another day.

It's time to stand on the side of justice and humanity,

Rabbi Cat  
Rabbi Cat J Zavis  
czavis@gmail.com  
She/Her/Hers

**Benado, Tony**

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**From:** Rena Greenfield <rena.y.greenfield@gmail.com>  
**Sent:** Monday, November 27, 2023 2:21 PM  
**To:** info@solanoavenue.org; citycouncil@albanyca.org; saa@solanoavenueassn.org  
**Cc:** All Council; Hahn, Sophie  
**Subject:** Lulu restaurant

**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.

Hi Albany and Solano officials,

My name is Rena Greenfield. I am writing to express my concern regarding Lulu restaurant, set to open soon in Albany.

I live in Berkeley and love spending time in Albany, especially Solano Ave. I work in Jewish community building for families in Berkeley and Albany, so I end up having a lot of coffee dates with parents on Solano Ave.

On Lulu's social media, the owner has posted that Zionists are not welcome in their establishment. I am Jewish and feel violated by this statement. Despite some people saying that anti-Zionism is not antisemitic, it implies that Jews don't have the right towards self-determination and that the notion of Jews in power is inherently dangerous. It implies that the 9 million people who live in Israel (not all Jewish) don't have the right to live there safely and are free to be raped, murdered and abducted without any consequences. Please note that Zionists are simply people who believe in Jewish people having a safe place to call home; it does NOT mean that every Zionist agrees with the Israeli government (in fact, most don't). The government and people are separate and this must be acknowledged, like with every government and people.

While Lulu (as with every business) has the right to fundraise and hold events for Gaza and the Palestinian people, it is greatly disappointing and divisive to see that the business owner has posted that Zionists are not welcome there. To the many Israeli and Jewish families living in Albany and beyond and to many Jewish and Druze individuals, this is extremely hurtful and reminds us of Nazi Germany (and most of the Middle East where Jews are not allowed to enter). Is Albany accepting of discrimination? If you accept this type of discrimination, what does it say about Albany's so-called inclusivity and stance?

Are you comfortable with restaurants publicly not welcoming supporters of the BLM movement or supporters of gay marriage, or the pro-choice movement, because they are just particular movements and are completely unconnected to the rights of Black people, the LGBTQ community and women? Or is it only when Jews are singled out that we like to make these arbitrary distinctions between movements and belief systems and actual people. To be an anti-Zionist today (in a post 1948 world) means that one doesn't believe that Jews and Israelis have the right to live safely in the only democracy in the Middle East (and to many it also means that any Jew or Israeli in the world is a fair target of violence, as we have seen from the huge anti-Semitic rise the past few weeks around the world). It's not a coincidence that many of the protests against Zionists have ended in violence against Jews (including death), the destruction or defacement of Jewish property and threats against Jewish institutions.

I hope you will stand with the Jewish and Israeli community during this challenging time, just like you stand with the Palestinian community. We all deserve to feel safe in Albany.

Thank you,



Rena Greenfield

Sent from Gmail Mobile

**Benado, Tony**

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**From:** A M <abbymaimon@gmail.com>  
**Sent:** Sunday, November 26, 2023 9:09 PM  
**To:** All Council  
**Subject:** Please refrain from a 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.

Hi there-

As a City of Berkeley resident since 1993, city homeowner since 2009, I love and appreciate Berkeley for all of its diversity and efforts for inclusion and equity.

Now that my two children have the privilege to be raised here, and are currently attending BUSD schools, I feel the need to request that the city council continue to hold the wisdom of refraining from polarization and choosing sides regarding International conflicts. The Gaza/Israeli war is only one example of an international conflict, of which there are many. I do not know the city council to make resolutions on other wars/conflicts. (Ukraine and Russia for one of the many examples.) Making statements or resolutions on conflicts abroad is not the job of our city council.

Since this is a conflict-ridden war that has personal ties to some city residents, (as many conflicts around the world do) making a statement of resolution would only incite more hate and potential violence, exacerbate polarization and give more voice to one group or the other. Even a "balanced" resolution will be interpreted to mean more than intended. Silence in this situation is protective and works within the city council bylaws. Hate has been escalating, as we all know. Please, let's work toward non-violent conflict resolution by offering discussions rather than resolutions, open forums, rather than hate being shouted from podiums. Please let us set an example for the young people in our city. We strive for non-violence in this city, with a devoted and hardworking city council, police and fire force, school district and city in general. There are many voices in this city. Sometimes the loudest receive the most attention. Let's work toward listening to all constituents.

Thank you for your service!

Sincerely,  
Abby Maimon  
Clinical Psychologist

**Benado, Tony**

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**From:** Arbel R Shemesh <arbelshemesh@icloud.com>  
**Sent:** Sunday, November 26, 2023 10:03 PM  
**To:** All Council  
**Subject:** Resolution regarding the Hamas-Israel war

**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,

I am writing to express my strong opposition to the proposed resolution regarding the Hamas-Israel war. This resolution is divisive, misleading and harmful to our community.

My family has been here in Berkeley since 1977, we are Israelis, for the first time, we do not feel safe here. There have been occasional unsavory individuals bringing violence and hatred to our town. But I have never experienced the herd mentality of the "Free Palestine" protesters. Some of the people in this group may have legitimate concerns for Palestinian friends and family members, However, many of these people are channeling anger in a direction they don't understand. Or, even worse, they are channeling anger against Jewish people .

The resolution claims to support the rights of the Palestinian people and innocent civilians on both sides. I support that too. However, it says that Palestinians have been subjugated by Israel, which clearly takes sides and locally supports hate against Jewish people.

The resolution tries to impose a biased view of a complex and long-standing conflict that is thousands of miles away from Berkeley. The resolution does not mention the numerous efforts of Israel to make peace with its Arab neighbors, nor the repeated rejections and violations of those peace agreements by the Palestinian leadership. The resolution does not reflect the diversity of opinions and perspectives among the Palestinian people themselves, nor the suffering and oppression they face under the corrupt and authoritarian regime of Hamas.

The resolution does nothing to promote peace and justice in the Middle East, but rather it fuels hatred and intolerance in our own community. The resolution creates a hostile and unsafe environment for the Jewish residents of Berkeley, who are already facing a rise in antisemitism and discrimination. I have heard about these experiences from Jewish people, others in our community, and in my own family.

I urge you to reject this resolution and to take the side of peace and dialogue, and to work for the needs of all Berkeley's citizens. Let us not allow a foreign conflict to divide us, but rather let us focus on the common values and goals that unite us.

Sincerely, Arbel Shemesh  
Sent from my iPhone

**Benado, Tony**

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**From:** Ella Lachman <elachman@rigetti.com>  
**Sent:** Sunday, November 26, 2023 10:11 PM  
**To:** All Council  
**Subject:** Inflammatory resolutions help no one

**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,

I am writing to express my strong opposition to the proposed resolution regarding the Hamas-Israel war. This resolution is divisive, misleading and harmful to our community.

I have been a member of the Berkeley community since 2017, first as a postdoctoral fellow at UC Berkeley, and now as an employee of a company founded and residing in Berkeley's beautiful aquatic park complex. I have made a home in this area because of the beautiful nature and community. There have been occasional unsavory individuals bringing violence and hatred, but I have never experienced the close mindedness and the herd mentality of the "Free Palestine" protesters. Some of the people in this group may have legitimate concerns for Palestinian friends and family members, as do I. However, many of these people are channeling anger in a direction they don't understand. Or, even worse, they are channeling anger against Jewish people on purpose.

My husband and I are Jewish and, for the first time, I fear for our safety.

The resolution claims to support the rights of the Palestinian people and innocent civilians on both sides. I support that too. However, it says that Palestinians have been subjugated by Israel, which clearly takes sides and locally supports hate against Jewish people.

The resolution tries to impose a biased view of a complex and long-standing conflict that is thousands of miles away from Berkeley. The resolution does not mention the numerous efforts of Israel to make peace with its Arab neighbors, nor the repeated rejections and violations of those peace and ceasefire agreements by the Palestinian leadership. The resolution does not reflect the diversity of opinions and perspectives among the Palestinian people themselves, nor the suffering and oppression they face under the corrupt and authoritarian regime of Hamas.

The resolution does nothing to promote peace and justice in the Middle East, but rather it fuels hatred and intolerance in our own community. The resolution creates a hostile and unsafe environment for the Jewish residents of Berkeley, who are already facing a rise in antisemitism and discrimination. I have heard about these experiences from Jewish people, others in our community, though thankfully I have not (yet?) experienced these myself.

I urge you to reject this resolution and to take the side of peace and dialogue, and to work for the needs of all Berkeley's citizens. Let us not allow a foreign conflict to divide us, but rather let us focus on the common values and goals that unite us.

Sincerely,



**Ella Lachman, PhD**

Senior QM R&D Engineer

[elachman@rigetti.com](mailto:elachman@rigetti.com)  
[rigetti.com](http://rigetti.com)

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**Benado, Tony**

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**From:** Traci Moren <tracimoren@gmail.com>  
**Sent:** Sunday, November 26, 2023 10:28 PM  
**To:** All Council  
**Subject:** Tuesday meeting

**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 Councilmembers,

Thank you for your service to our city, a place where I have chosen to raise my family because of the welcoming, inclusive and diverse population.

I am writing as a Berkeley resident and homeowner in District 4, and mother of a son attending Washington Elementary School, to ask **that you only support a resolution on the Israel-Hamas war if it is fair and balanced**. To be fair and balanced I believe it would need to contain the following:

1. Both the Palestinian and Israeli-Jewish peoples are good and valuable.
2. Both peoples belong and deserve homelands.
3. The only future worth advocating is a shared future
4. Refusal to make either the Palestinian or Israeli-Jewish peoples identical to their governments and policies.

Any other stance which participates in the language of absolutism or holds up only one people's needs only adds fuel to the fire of extremism and violence. It divides us and pits us against each other. As a member of the Berkeley Jewish community, I can tell you that we are deeply scared of the rising anti-semitism in this time. I do not believe that any criticism of the State of Israel or its policies is anti-semitic, but it is clear to me that any resolution that chooses sides in a way that denies the legitimacy, humanity, or needs of either people falls into a dynamic that feeds anti-semitism or Islamophobia.

Thank you,  
Traci Moren  
2411 Sacramento Street,  
Berkeley, CA 94702

**Benado, Tony**

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**From:** nora ultreya <noraultreya@gmail.com>  
**Sent:** Monday, November 27, 2023 4:31 PM  
**To:** All Council  
**Subject:** Resolution for 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.

Dear Council Members: As a Berkeley resident who is following the conflict in Gaza and the West Bank: I ask you to pass the Resolution for a Ceasefire. As with many countries, Israel 's government does not represent all of its people and there is much resistance within the country itself against the bombings and killings of Palestinians in Gaza. Nearly 20,000 Palestinian people have died and nearly half are children. Please stop this criminal slaughter now so the people of Palestine can live in peace. Nora should



**Benado, Tony**

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**From:** Debbie Tuttle <debbietuttle@gmail.com>  
**Sent:** Monday, November 27, 2023 4:46 PM  
**To:** All Council  
**Subject:** No resolution on Israel-Hamas war or 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 Arreguin, Ms. Hahn and council members,

I'm a lifelong Bay Area resident and a more recent resident of Berkeley (district 5). My kids are both very happy to be in a public BUSD elementary. And in many ways the life we have made in Berkeley is the one I have dreamed of my whole life. As of the morning of October 7th, that all changed.

We awoke to horror, to knowing those lost and kidnapped, we awoke to terror and war. I also work in the Jewish community- we gathered in our office and talked about how first we would need to care for those in immediate need, and then we would need to prepare for the onslaught of anti-Israel and anti-Semitism because the situation would quickly change from one of sympathy to one of hate. I am so sorry how right we were.

I have been so proud how both you and our school board have handled this conflict so far- and I am so sorry that your meetings and work have been disrupted repeatedly over these last few weeks.

**I am writing to share my very strong commitment that the Berkeley City Council should not take a public position in the current Israel-Hamas conflict.** The current conflict is part of a deeply painful, complicated situation that has truly global agitants and implications. The fact that this issue has been the subject of so much media, dialogue, negotiation, and analysis by experts in the field who clearly cannot reach a consensus, means that any position taken by our humble City's institutions aligning with one side or the other would necessarily be reductionist and ignore people's truths.

Moreover, aligning, or even highlighting one side's position over the other will have an unnecessarily divisive impact on our diverse Berkeley Community. The City Council would effectively choose a side to overlook, gaslight, and marginalize. Also, to make a public statement on this particular matter while overlooking other recent, horrific conflicts and situations around the world will make any position taken here by the Council that much more suspect and divisive.

In fact, any statement on this subject presents a greater risk of fomenting social tension than providing a galvanizing front in that much of the language used by either side is interpreted by the other as inciteful and racist. Even a call for an unqualified ceasefire, under these particular circumstances, denies the complexity of the situation.

Perhaps most importantly, the City government has as its primary objective, representing and promoting the safety and well-being of **all** of its constituents. I expect the Berkeley City Council to hold this objective above all others. I expect it to ensure that no member of this community, Arab, Israeli, Jewish, or Palestinian feels marginalized, isolated, or unsafe.

The Berkeley City Council, and in fact all Berkeley City institutions should fight any urge to choose a side, or in fact, make any statement- as I think all statements bring both 'sides' further from peace, both here and abroad.

Thank you for all of your hard work for our city, thank you for upholding a space where we can work toward a better neighborhood, city and world without sowing seeds of hate or division towards anyone in our community.

With gratitude,

Debbie Tuttle

**Benado, Tony**

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**From:** Rachel Weisbord <rmweisbord@gmail.com>  
**Sent:** Monday, November 27, 2023 9:36 AM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Cc:** action@endjewhatred.com  
**Subject:** Vote NO on November 28th

**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 and respected government officials,

I am writing to you as a concerned citizen and proud American that believes in the basic values of democracy whereby state and local governments have a constitutional duty to protect public safety.

THIS Tuesday, November 28, the Berkeley City Council will vote on whether to pass the resolution, named "Berkeley for Palestine" -

which alludes to seek a victory against the "normalization of Israel's occupation and genocide."

The narrative Israel commits genocide is a false and anti-Semitic statement. Hamas fires deadly rockets from schools, hospitals, and densely populated areas knowing that Israel, like any democracy, would have to take whatever military action was necessary to stop the rockets. Hamas also knew the media would broadcast the dead Palestinian children, which Hamas uses as human shields, around the world to cause outrage directed at Israel for the cause of their deaths. President Biden, on behalf of The United States of America, unequivocally condemned the appalling assault against Israel by Hamas terrorists from Gaza on October 7.

Furthermore, despite Hamas' blatant disregard for the lives of the civilians around them, the Palestinian population has increased from 954,898 to 4,654,421 since 1967. This false, antisemitic rhetoric falls short of our American value system and has no place in bringing safety to citizens of the city of Berkeley.

On November 28, the Berkeley City Council is set to be presented with a vicious resolution that takes the position of solidarity with Hamas terrorists and characterizes Israel's attempts to rescue the hostages and liberate the Gazan people as a "genocide." This is a foul affront to the victims of the October 7th massacre. Furthermore, expressing ghastly support for Hamas, who openly murdered, raped, and kidnapped citizens from 25 countries, does not lead us to peace of any kind.

This type of resolution, which facially claims to survey the Palestinian people, achieves the opposite outcome because the BDS movement severely weakens the Palestinian economy and imposes hardships on the Palestinian people. In a 2016 article, Bassam Eid, human rights activist and commentator on Palestinian domestic affairs, explained that the objectives of BDS activists abroad would actually increase economic hardships for the Palestinians in Judea, Samaria and Gaza. BDS leader Omar Barghouti, has expressed support for terrorism, promoted anti-Semitic conspiracy theories and regularly demonizes Israel. He opposes the Jewish right to self-determination and Israel's existence, openly calling for its destruction as a Jewish State.

As Hamas and its supporters have waged a campaign to delude Americans into accepting their attempt to portray Israel as somehow uniquely "illegitimate" as a state, we call on the Berkeley City Council to vote NO on the November 28 resolution that is hateful and malicious, popularizing false claims that will only serve to inflame an already traumatic situation.

Sincerely,

Rachel Rudman

#EndJewHatred

**Benado, Tony**

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**From:** Lucy <lucymorelb@gmail.com>  
**Sent:** Monday, November 20, 2023 5:05 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:** Urgency Item: Resolution for Ceasefire and Solidarity with 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 Council Members,

I am a resident of Berkeley and I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to 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. Within the greater context of the decades-long Israeli military occupation of the Palestinian People, and immediately following the heinous October 7, 2023 attack by the militant group Hamas (an attack that so far remains uninvestigated in its entirety), the Israeli government declared "war" on Hamas and began indiscriminately bombing the Gaza strip, a 25 by 5-mile space dubbed "an open-air prison" that has been under complete blockade by Israel and the densely populated home of over 2.2 million Palestinian civilians, the majority of whom are refugees and descendants of refugees displaced from their Palestinian villages and towns by Israel and of whom over 47.5% are minors. You have heard from countless members of Berkeley via Public Comment and email calling upon you, as the people's representatives, to pass this Resolution.

We, your constituents, have prepared a Resolution on your behalf - please see below. We call upon the Berkeley City Council to review the Resolution, make edits that are consistent with the spirit of our request, place the Resolution on the agenda as a time critical and urgency item, and please pass this Resolution. It is understood that the next public meeting is scheduled for November 28, but we encourage the council to schedule a special meeting sooner to pass this Resolution since it is an URGENCY ITEM. We'd also like to note that there are no direct financial implications since this is a Resolution.

The following cities have also passed Resolutions for Ceasefire and Solidarity with Palestine as of November 16, 2023: Richmond, CA; Providence, RI; Cudahy, CA; and Easton, PA. We hope the City of Berkeley will follow suit in this moral leadership.

Thank you for your attention and commitment to doing what is right for our community and the world.

Sincerely,  
Lucy Bunter  
94705

A Resolution of the City Council of the City of Berkeley, California Affirming the City's Support and Solidarity with the Palestinian People of Gaza and in line with Rep. Cori Bush's Congressional Resolution Calling for An Immediate De-Escalation and Cease-Fire in Israel and Occupied Palestine

WHEREAS, Israel's conflation of anti-Semitism with anti-Zionism and solidarity with Palestinians is recognized by legal scholars and human rights organizations, including Israel's B'Tselem, as a political tool to silence critics of Israel. It also creates fear among Jews, who are rightly alarmed by anti-Semitic words and actions due to the horrors of pogroms and the Holocaust in Europe; and

WHEREAS, 1,200 Israelis have been killed by Hamas on October 7th and nearly 13,000 Palestinians have been killed by the state of Israel in this escalated conflict, including over 5,500 children (as of 11/19/2023) - the death toll increasing each day and includes Americans who have been killed; and

WHEREAS, All human life is precious, and the targeting of civilians, no matter their faith or ethnicity, is a violation of international humanitarian law; and

WHEREAS, We mourn the loss of all civilian lives lost on both sides from October 7, 2023, to the present and also throughout the decades of displacement, occupation, oppression, and blockade endured in Gaza, East Jerusalem, and the West Bank; and

WHEREAS, In violation of international law, Israel has maintained 16 years of complete sea, air, and land siege on goods and travel, which had already created 42% unemployment, 84% reliance on international humanitarian aid, 41% undernourishment, 60% anemia among children, and innumerable deaths from curable diseases;

WHEREAS, Israel's past bombings of Gaza, the main ones in 2009, 2012, and 2014 had already curtailed the ability to make a living by destroying agricultural plots, orchards, and chicken coops, destroyed the infrastructure, including desalination and wastewater treatment plants. And any attempts to rebuild it had been stifled by Israel limiting access to electricity and fuel to no more than four continued hours per day; and

WHEREAS, Prior to the current crisis, only 1% of Gazans had access to safe drinking water, leaving the population – half of whom are children –vulnerable to waterborne diseases, infections, and dehydration.

WHEREAS, The World Health Organization states that in an emergency, every person needs between 7.5 to 20 liters of clean water, Gazans have now access to only 3 liters, and some people have been drinking highly saline and contaminated seawater, which has already resulted in cases of chickenpox, scabies, and diarrhea and could easily lead to the spread of cholera; and

WHEREAS, There is a consensus among the human rights organizations and the UN that Israel has turned the Gaza Strip, which is one of the most densely populated places on Earth, into “the world’s largest open-air prison”, even prior to this conflict; and

WHEREAS, Israel’s actions had already endangered the health of Gazans and the environment, by causing sewage and solid waste to pile up on the streets and over 130,000 cubic meters of wastewater to be discharged daily into the Mediterranean Sea; and

WHEREAS, Hundreds of thousands of lives are in imminent danger if a ceasefire is not achieved humanitarian aid is not delivered immediately; and

WHEREAS, The humanitarian pauses and safe havens have been violated by Israeli; and

WHEREAS, Collective punishment is considered a war crime under international law, and refers to a form of sanction imposed on persons or a group of persons in response to a crime committed by one of them or a member of the group; and

WHEREAS, Israel’s indiscriminate bombings of Gaza are a form of collective punishment, recognized as a war crime (Common Article 33 of the Fourth Geneva Convention and Article 4 of the Additional Protocol II) and also a violation of International Humanitarian Law, which requires observance of the principles of distinction (attacking only military targets) and proportionality (the anticipated military gains outweigh harm to civilians); and

WHEREAS, Israel’s shutting off all access to electricity, drinking water, food, and humanitarian aid is a form of collective punishment and constitutes a war crime under international law; and

WHEREAS, Ethnic cleansing refers to the creation of an ethnically homogenous geographic area through the elimination of unwanted ethnic groups by deportation, forcible displacement, or genocide; and

WHEREAS, Israel has engaged in an ethnic cleansing campaign by explicitly requiring two million Palestinians to leave Gaza immediately or risk being bombed in their homes and has intensified its unprovoked killing and forced displacement of Palestinians in the West Bank to uninhabitable areas; and

WHEREAS, Israel has violated international law by not ending its military occupation of East Jerusalem, the West Bank, and Gaza, which began in 1967; and

WHEREAS, The International Humanitarian Law holds an occupying force responsible for the safety and well-being of the inhabitants of the land it occupies, Israel has been settling the foreign nationals of Jewish descent on the occupied land, driving away Palestinians from their land through acts of terror, confining them to small incongruent areas, demolishing their homes, businesses, and orchards, etc.; and

WHEREAS, The U.S. government holds immense diplomatic power to save Palestinian and Israeli lives but has refused to take serious action to do so; and

WHEREAS, The state of Israel would not be able to maintain its military occupation of East Jerusalem, the West Bank, and Gaza without enormous military aid provided by the United States every year, thereby also depriving Americans of money for their own urgent needs; and

WHEREAS, The 14.3 billion requested from the Biden Administration in October 2023 in addition to the 3.8 billion in military aid provided annually by the United States to Israel is derived from American taxpayer money. However, a Reuters poll released on November 15, 2023, states that 68% of Americans agreed that "Israel should call a ceasefire and try to negotiate" demonstrating the majority of Americans do not support the continued military aid; and

NOW, THEREFORE, BE IT RESOLVED, That the City of Berkeley

- 1) Urges the Biden Administration to immediately call for and facilitate de-escalation and a ceasefire to urgently end the current violence; and
- 2) Calls upon the Biden administration to promptly send and facilitate the entry of humanitarian assistance to Gaza; and
- 3) Calls for the end of the Israeli siege on Gaza, the end of the blockade in Gaza, and the occupation of the West Bank; and
- 4) Demands that the Biden administration to immediately end all existing and future military aid to Israel in order to fund urgent needs in the United States such as homelessness, food insecurity, and education; and
- 5) Calls upon the immediate release of all the Palestinians who have been arrested in Israel, Jerusalem, and the West Bank since October 7, 2023; and



6) Calls upon the immediate release of the approximately 220 Israeli hostages held by Hamas.

BE IT FURTHER RESOLVED, That the City of Berkeley advocates for the dignity and safety of residents in every community, regardless of what crimes its leadership may commit, and that peaceful diplomacy is the only way to achieve this safety and dignity.

BE IT FURTHER RESOLVED, The City of Berkeley stands in solidarity with the Palestinian people of Gaza, who are currently facing ethnic cleansing and collective punishment by the state of Israel; and

BE IT FURTHER RESOLVED, That the City of Berkeley vows to combat antisemitism, islamophobia, and ethnonationalism in all its forms; and

BE IT FURTHER RESOLVED, that the City of Berkeley rejects Israel's conflation of anti-Zionism and solidarity with Palestinian people with anti-Semitism for political gains; and

BE IT FURTHER RESOLVED, that the City of Berkeley endorses the Congressional Resolution submitted by Representatives Cori Bush (MO-01), Rashida Tlaib (MI-12), André Carson (IN-07), Summer Lee (PA-12), and Delia C. Ramirez (IL-03), alongside Representatives Jamaal Bowman (NY-16), Bonnie Watson Coleman (NJ-12), Jesús "Chuy" García (IL-04), Jonathan Jackson (IL-01), Alexandria Ocasio-Cortez (NY-14), Ilhan Omar (MN-05), Ayanna Pressley (MA-07), and Nydia Velázquez (NY-07) and urges our Congressional Representative, Rep. Barbara Lee, and California's Congressional delegation to vote in support of the resolution.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager or his designee to immediately distribute this Resolution upon its adoption to the offices of Senator Alex Padilla (CA), Senator Laphonza R. Butler (CA), Representatives Barbara Lee (CA-13), Robert Garcia (CA-42), Cori Bush (MO-01), Rashida Tlaib (MI-12), André Carson (IN-07), Summer Lee (PA-12), and Delia C. Ramirez (IL-03), alongside Representatives Jamaal Bowman (NY-16), Bonnie Watson Coleman (NJ-12), Jesús "Chuy" García (IL-04), Jonathan Jackson (IL-01), Alexandria Ocasio-Cortez (NY-14), Ilhan Omar (MN05), Ayanna Pressley (MA-07), and Nydia Velázquez (NY-07).

FINALLY, BE IT RESOLVED, That upon passage a copy of this Resolution be sent to the Office of U.S. President Joe Biden, the Office of U.S. Representative Barbara Lee, the Office of U.S. Senator Alex Padilla, and the Office of U.S. Senator Laphonza R. Butler.

Sent from my iPhone

**Benado, Tony**

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**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Saturday, November 25, 2023 3:04 AM  
**To:** All Council  
**Cc:** Becky O'Malley; Berkeley Community Safety Coalition;  
 BerkeleySpeaksNewspaper@gmail.com; Daily Cal; Nico Savidge  
**Subject:** Fwd: 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 Mayor and Berkeley City Council:

I sent this letter over 10 days ago urging a council proclamation for peace in the Middle East by demanding a CeaseFire for the Israeli government to stop bombing Gaza and Hamas to cease fire and release hostages. We have seen no proclamation.

Are we standing by and saying nothing as a city formally? Our town is on the wrong side of history if a majority of the council fails to issue a basic proclamation calling for a Ceasefire.

Moni T. Law, J. D.  
 Chair, Berkeley Community Safety Coalition

----- Forwarded message -----

**From:** **Moni Law** <monilaw7@gmail.com>  
**Date:** Tue, Nov 14, 2023 at 3:50 PM  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza  
**To:** <mayor@berkeleyca.gov>, <kesarwani@berkeleyca.gov>, <ttaplin@berkeleyca.gov>, <bbartlett@berkeleyca.gov>, <kharrison@berkeleyca.gov>, <shahn@berkeleyca.gov>, <swengraf@berkeleyca.gov>, <rrobinson@berkeleyca.gov>, <mhumbert@berkeleyca.gov>, <council@berkeleyca.gov>

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 United States tax dollars. 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,

Moni T. Law, J.D.

UC Berkeley Alum 1982

Berkeley Community Safety Coalition Chair

Resident of Berkeley; Concerned for all

Injured, Kidnapped, Dead and Dying Women, Children and Disabled Elders in Israel and Palestine. End War. Promote Peace and Healing Now!

Sent from my iPhone

