



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.*

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*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.*

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*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

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*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

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## 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.

---

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.*

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*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.

---

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**

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TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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

### Ceremonial Matters:

1. Recognition of 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.

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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

*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/1618247322>. 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: 161 824 7322**. 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:** 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

