



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, March 12, 2024
6:00 PM

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

JESSE ARREGUIN, MAYOR
Councilmembers:

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

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

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

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1602817302>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 281 7302** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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

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

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

Preliminary Matters

Roll Call:

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

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

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

From: City Manager

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

First Reading Vote: All Ayes.

Financial Implications: See report

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

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 2024

From: City Manager

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

Financial Implications: Various Funds - \$3,676,000

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

Consent Calendar

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

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

Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
- 4. Application for Prohousing Incentive Program Funds**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Prohousing Incentive Program, in an amount not to exceed \$1,250,000.
Financial Implications: See report
Contact: Amy Davidson, Health, Housing, and Community Services, (510) 981-5400
- 5. Amendment to Contract No. 8392 with Innovative Claim Solutions (ICS) for Workers' Compensation Claims Administration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392 with Innovative Claims Solutions (ICS) for third-party administration of workers' compensation claims through June 30, 2025 for a total contract amount not to exceed \$9,202,243.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 6. Contract Amendment: WBCP, Inc. Recruitment Agency**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400083 with WBCP, Inc. for recruitment services to cover the period of October 2, 2023 through June 30, 2026, for a total cost not to exceed \$350,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

- 7. Salary Adjustments: Electrical Supervisor and Communications Supervisor
From: City Manager**
Recommendation: Adopt a Resolution adjusting the salary range for Electrical Supervisor and Communications Supervisor to consist of three steps ranging from \$62.8856 per hour to \$66.6047 per hour, effective March 12, 2024.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 8. Align Training and Certification Differentials for Deputy Police Chief and Police Chief with Differentials for Berkeley Police Association Members
From: City Manager**
Recommendation: Adopt a Resolution aligning the training and certification differentials for Deputy Police Chief and Police Chief – specifically, for Crisis Intervention Training, the KIND Policing Differential, and POST certificates – with those of Berkeley Police Association members; specify that for Deputy Police Chief and Police Chief the POST certificates must be at the Management level; provide retiree medical benefits that BPA members and the Police Chief receive to the Deputy Police Chief as well.
Financial Implications: See report.
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 9. Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp
From: City Manager**
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Firehouse Subgrant application in the amount up to \$50,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: Grant - \$50,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Lease Agreement: Dorothy Day House d.b.a Dorothy's Closet at 2425a Channing Avenue in the Telegraph-Channing Mall and Garage
From: City Manager**
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Dorothy Day House, a 501c3 nonprofit organization doing business as Dorothy's Closet to use and occupy 2425a Channing Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin retroactively on May 1, 2023.
Financial Implications: See report
Contact: Andrew Murray, Public Works, (510) 981-6300

Consent Calendar

11. **Filling Vacancies Among the Elected Representatives of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointments of Catherine Huchting (District 3); and, Maria Sol (District 1) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 8, 2024 meeting, and that their terms expire November 28, 2024.
Financial Implications: See report
Contact: Mary-Claire Katz, Commission Secretary, (510) 981-5400

Council Consent Items

12. **Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park**
From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer \$160,000 to the June FY 2024-25 budget process to renovate an existing bathroom at the James Kenney Community Center to make it ADA compliant and permanently accessible to members of the general public who visit the park.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
13. **Vision 2050 Community Engagement Expansion**
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Authorize the City Manager to expand the scope of the Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan in the FY 2024 Budget to consider additional revenue sources: (1) potential ballot referenda for an increase to Berkeley's Parks Tax and/or (2) renewing the Measure P Real Property Transfer Tax beyond 2028; and refer to the City Attorney for analysis of using the Community Engagement and Program Plan funds for community survey purposes.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
14. **Creating SHARE BERKELEY - A Berkeley Public Library Share Hub for Access, Resilience, and Equity**
From: Councilmember Hahn (Author)
Recommendation: 1. Request that the Library Director work with Library Staff to develop a visionary plan to expand the Berkeley Public Library's Tool Lending Library into a comprehensive, full-service SHARE hub for the City of Berkeley, providing a one-stop center for community members to:
a. Borrow from an expanded portfolio of Library-based tools, supplies, equipment and other durable/reusable items;
b. Access comprehensive, up-to-date information and referrals about community-

Council Consent Items

based opportunities for borrowing, renting, or obtaining free tools, supplies, equipment, bikes/vehicles, locations, and similar resources; and

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

Financial Implications: See report

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

15. Opposition to AT&T Applications: Relief of "Carrier of Last Resort" and Eligible Telecommunications Carrier Designation

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

Recommendation: Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T's proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T's application to end traditional landline service in all areas until reliable broadband cellular coverage is available.

Financial Implications: See report

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Information Reports

16. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, February 29, 2024.***

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

## **Communications – March 12, 2024**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Middle Housing**

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

**Hate Incidents**

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

**Nova Concert Survivor**

- 14. Adam Naftalin-Kelman

**Crime**

- 15. Todd Andrew

**Woolsey-Fulton Bicycle Project**

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

**Pedestrian and Bicycle Safety**

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

**Hazardous Road Conditions**

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

**Automated License Plate Readers**

- 26. Diana Andreeva

**Council Meeting Decorum**

- 27. Andrea Cassidy

**Aquatic Park**

- 28. Cameron Bochman

**Berkeley Unified School District (BUSD)**

- 29. Dorothea Dorenz
- 30. BUSD Superintendent

**Bay Wheels Bike Share**

- 31. Alexander Merenkov

**Reproductive Letter**

- 32. Commission on the Status of Women

**Homelessness**

33. Jonny Ruel Holder

**Home Insurance**

34. Diane Wolf

**SB 330**

35. Virginia Warheit

**Demolition Ordinance**

36. Charlene Woodcock

37. Gary McDole

38. 20 similarly-worded form letters

**North Berkeley BART Housing Project**

39. Stefan Lasiewski

**City of Berkeley Referrals**

40. James McGrath

**Climate and Environment Commission**

41. Anna Kathawala

**Climate Goals and Autos**

42. Barbara Gilbert

**People's Park**

43. Sky Ocean

**Gaza & Israel**

44. Hillary Kilimnik (2)

45. Jocelyn Goldsmith-De Sena

46. Margaret Fouda

47. Michael Fullerton

48. 00.caveat-taxing@

49. Lian Mar

50. Karen Ung

51. Michelle Wong

52. Evelyn Zhai

53. Jon Jackson

**URL's Only**

54. Vivian Warkentin

55. Todd Jersey

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.