MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 10, 2023
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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

*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/1611670896. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 167 0896**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:32 p.m.

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

Absent: None

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

Ceremonial Matters:

1. Adjourned in Memory of Lloyd A. Edwards II, Berkeley Native and Civic Leader
2. Adjourned in Memory of all persons who have died through acts of terrorism

City Manager Comments:

The City Manager presented an update on the Homeless Response Team.

Public Comment on Non-Agenda Matters: 11 speakers.

Action: M/S/C (Arreguin/Harrison) to accept an urgency item from Councilmember Robinson pursuant to Government Code Section 54954.2(b)(2) entitled Opening the Dwight Triangle.
Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 11 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.
Vote: Ayes – Kesarwani, Taplin, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Harrison.

Councilmember Harrison absent 7:42 p.m. – 8:01 p.m.

Councilmember Bartlett absent 7:43 p.m. – 8:01 p.m.

Consent Calendar

Urgent Item: Opening the Dwight Triangle
From: Councilmember Robinson (Author), Councilmember Humbert (Co-Sponsor)
Recommendation:
Refer to the City Manager to open the fence-enclosed space in the Dwight Triangle, at the intersection of Telegraph Avenue and Dwight Way, for public use and recreation. Additionally, refer to the City Manager to install permanent chess tables and benches and to consider any landscaping improvements deemed necessary by staff.
Refer $25,000 to the November AAO #1 budget process for improvements to the Dwight Triangle, including but not limited to permanent chess tables, benches, landscaping improvements, traffic calming, and signage associated with opening the Dwight Triangle for public use and recreation. City staff should consider if existing funds are able to be utilized to allow the space to be improved sooner.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.

Consent Calendar – Continued Business

A. Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development
(Continued from October 3, 2023)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,888-N.S. amending Berkeley Municipal Code (BMC) Title 23, and repealing BMC Chapter 12.99, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Robinson, Humbert, Arreguin; Noes – None; Abstain – Hahn, Wengraf.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,888–N.S.
Second Reading Vote: Ayes – Kesarwani, Taplin, Robinson, Humbert, Arreguin; Noes – None; Abstain – Hahn, Wengraf; Absent – Bartlett, Harrison.

Consent Calendar

1. ***Item Removed by the City Manager* City Council Rules of Procedure and Order Revisions**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

2. **Write-Off of a Delinquent Revolving Loan Fund (RLF) Balance of $25,000 Owed by Kidventurez, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the write-off of the outstanding loan balance of $25,000 owed by Kidventurez Inc. to the City's federally-funded Revolving Loan Fund (RLF) in accordance with the RLF Administrative Plan.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,064–N.S.

3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 10, 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: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

4. **Revenue Contracts: Aging Services Programs, Fiscal Years 2024 - 2026**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2024 thru Fiscal Year 2026 (FY2024-FY2026):
a. Congregate Meals in an amount not to exceed $213,000;
b. Home Delivered Meals in an amount not to exceed $440,000;
c. Family Caregiver Support Program in an amount not to exceed $126,500;
d. Senior Center Activities in an amount not to exceed $136,000; and
e. Information and Assistance Services in an amount not to exceed $460,000.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,065–N.S. (Congregate Meals), Resolution No. 71,066–N.S. (Home Delivered), Resolution No. 71,067–N.S. (Family Caregiver), Resolution No. 71,068–N.S. (Senior Center), Resolution No. 71,069–N.S. (Information and Assistance).

Consent Calendar

5. **Develop and maintain Homelessness Prevention reporting module in City Data Services for Streamlined Community Agency Contract Administration and Monitoring**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100038 with City Data Services (CDS) to allocate $10,760 to develop and maintain a Homelessness Prevention module in the online data management system utilized by the Department of Health, Housing and Community Services (HHCS) for a total contract not to exceed amount of $139,400.
Financial Implications: General Fund - $10,760
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,070–N.S.

6. **Establish Classification and Salary Range – Graphic Designer**
From: City Manager
Recommendation: Adopt a Resolution establishing the unrepresented classification and salary range of Graphic Designer as outlined, with an hourly range of $39.5233 - $48.5000 and an annual salary range of $82,208.4870 - $100,880.0000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,071–N.S.

7. **Contract: EdgeSoft for Data Automation Services and Support for Toxics Management Division**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Fremont's existing contract and any amendments with EdgeSoft Inc., to provide data automation services and support for the Toxics Management Division from December 1, 2023 until November 31, 2028 in an amount not to exceed $128,375.
Financial Implications: CUPA Fund - $128,375
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 71,072–N.S.

Consent Calendar

8. **Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Flock Safety to provide Automated License Plate Reader (ALPR) cameras services for the Berkeley Police Department (BPD), in an amount of $344,500 for a total contract amount not to exceed $425,000, and extending the term for a period of time of two years from the date of implementation.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,073–N.S.
Vote: Ayes – Kesarwani, Taplin, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – Hahn; Absent – Bartlett, Harrison.

9. **Contract No. 32300191 Amendment: Pacific Site Management: Landscaping Services for Public Works and Health, Housing, and Community Services Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300191 with Pacific Site Management to increase the spending authority by $150,000 for a total not to exceed $260,000.
Financial Implications: See Report.
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,074–N.S.

10. **Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by $350,000 for a total contract amount not to exceed $480,000; and to extend the contract term through June 30, 2025.
Financial Implications: Various Funds - $350,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,075–N.S.

Consent Calendar

11. Grant Application: Safe Routes to BART Grant Program for the Ohlone Greenway Modernization and Safety Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: Submit a grant application to Bay Area Rapid Transit (BART) to receive up to $3 million from the Safe Routes to BART (SR2B) Grant Program to help close the funding gap for construction of safety-related improvements to the Ohlone Greenway shared-use pathway as part of the Ohlone Greenway Modernization and Safety Project; Accept the grants awarded; and Execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,076–N.S.

12. Purchase Order: Western Truck Center for Four Front Loaders
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase of four (4) Front Loaders with Western Truck Center in an amount not to exceed $2,050,000.
Financial Implications: Equipment Replacement Fund - $2,050,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,077–N.S.

13. Renewal of the Elmwood Avenue BID for Calendar Year 2024
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024 and 3) direct the City Clerk to schedule a public hearing on the renewal and expansion of the assessment area for November 14, 2023.
Financial Implications: See report
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 71,078–N.S.

Consent Calendar

14. Renewal of the Solano Avenue BID for Calendar Year 2024
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2023 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2024; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2024; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 14, 2023.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 71,079–N.S.

Recess 8:01 p.m. – 8:21 p.m.

Action Calendar – Continued Business

B. Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention *(Continued from October 3, 2023)*
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
Action: 3 speakers.

Information Reports

15. Fiscal Year 2024 Civic Arts Grant Awards
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Received and filed.

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

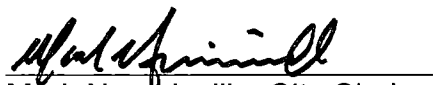
Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Councilmember Wengraf absent 8:58 p.m. – 9:00 p.m.

Adjourned at 9:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 10, 2023.



Mark Numainville, City Clerk

Communications

Fire Lessons
1. Barbara Gilbert
2. Susan Nunes
3. Kelly Hammargren

Parking Enforcement
4. Jesse McCaffrey

Camping in Parks
5. David Lerman

Waterfront Specific Plan
6. Robert Ofsevit

Southside Complete Streets
7. Dan Auten

Hazardous Waste Drop-off
8. David Lerman

Ohlone Path
9. Carol Denney

Bio Labs
10. Anne Herrick (2)
11. Biolab Watch

Cannabis Assessment
12. Ryan Whitacre

Golden Gate Fields
13. Judd Goodman

Crime
14. Melissa Jones

15. Nina Lyons

Event Signage
16. Isabella

Paving Funding
17. Eric Friedman

Signs Creating Blight
18. Justine Tenzeldam

Cycling and Pedestrian Upgrades
19. Heather Ball

Parking Ticket Error
20. Constance Hale

Electric Micromobility Permit
21. Todd Andrew

Trash Bills
22. Paul Worthman

Berkeley Today Event Invite
23. Beth Roessner, on behalf of Berkeley Chamber

URL's Only
24. Vivian Warkentin

Supplemental Communications and Reports 1

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.
25. Jean Paul Bourdier

Supplemental Communications and Reports 2

Item #A: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development
26. Todd Jersey
27. Theo Posselt
28. Kathleen Frumkin

Consent Calendar

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.
29. Sandy Lee
30. Sabina Ghimire
31. Sagar Jethani
32. Sarika Shinde
33. Jill Travis
34. Roberto Reynoso
35. Karen Skinner
36. Melissa Jones

Urgent Items

Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to promote Chess on Telegraph Avenue
37. Urgent item, submitted by Councilmember Robinson

Opening the Dwight Triangle
38. Urgent item, submitted by Councilmember Robinson

Supplemental Communications and Reports 3

City Manager Comments
39. Presentation, Homeless Team Update

Item #A: Amendments to Title 23 Relating to Accessory Dwelling Units (ADUs) and Repeal of Chapter 12.99 to Conform to State Law and Respond to Guidance from the California Department of Housing and Community Development
40. George Lakoff

Item #8: Contract: Flock Safety to Provide ALPR Cameras Services Pursuant to Resolution No. 71,013-N.S.
41. Susan Dally
42. Talne
43. Lori Zavela
44. Jeannie Cecka
45. Grace Pokorny
46. Saralynn Ness
47. Ingrid Safranek

Item B: Status Report – Berkeley's Financial Condition (FY 2012-FY 2021): Pension Liabilities and Infrastructure Need Attention
48. Presentation, submitted by the Budget Office
49. Jenny Wong, City Auditor

Urgent Items
Opening the Dwight Triangle
50. Greg Hoff
51. Anawin Juntanamalaga
52. Doris Moskowitz, on behalf of Moe's Books
53. Marc Weinstein, on behalf of Amoeba Music

Miscellaneous Communications
54. Messages from Mr. Eid