

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 16, 2019**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 6:00 p.m.

**Present:** Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin

**Absent:** Kesarwani, Robinson

Councilmember Robinson present at 6:02 p.m.

Councilmember Kesarwani present at 6:03 p.m.

**Report from Closed Session:**

City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to approve the settlement agreements as to claims under the Fair Labor Standards Act and applicable Memorandum of Agreements and compensation plans for an amount not to exceed \$605,000.

**Ceremonial Matters:**

1. Recognition of Paul's Shoe Repair
2. Recognition of Ari Neulight
3. Presentation by Pacific Gas & Electric

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 6 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 24 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to accept revised materials from Mayor Arreguin on Item Aa.

**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Kesarwani; Abstain – Droste.

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

**Vote:** All Ayes.

- 1. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.  
**Financial Implications:** General Fund - \$600  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted first reading of Ordinance No. 7,670–N.S. Second reading scheduled for July 23, 2019.
- 2. Contract: Gehl Studio for Civic Center Vision and Implementation Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$376,430, and any amendments thereto, with Gehl Studio Inc. for the Civic Center Vision and Implementation Plan (Specification No. 19-11286-C).  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 69,024–N.S.
- 3. Contract Amendment and Purchase Order No. 21902736 with Bellingham Inc. to Replace Additional Finger Docks at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend a contract and Purchase Order No. 21902736 with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$215,000 for a not-to-exceed amount of \$324,335, and increasing the purchase order amount by \$200,000 for a not-to-exceed amount of \$300,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 69,025–N.S.

## Consent Calendar

- 4. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted first reading of Ordinance No. 7,671–N.S. Second reading scheduled for July 23, 2019.
- 5. Updated Sewer System Management Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the update of the Sewer System Management Plan, as mandated by the State Water Resources Control Board.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 69,026–N.S.
- 6. Approval and Levy of 2018 Clean Stormwater Fee in FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2020.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 69,027–N.S.

## Council Consent Items

- 7. Letter of Support for Senate Bill 806: The College for All Act**  
**From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Robinson and Davila**  
**Recommendation:** That the Mayor and Berkeley City Councilmembers support Senate Bill 806 (S.806) otherwise known as the College for All Act of 2017 and write a letter of support to Rep. Bernard Sanders and cosponsors of the bill. Senate Bill 806 would forgive over \$1.6 trillion of student loan debts, thereby releasing over 45 million Americans from student debt.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.
- 8. Presentation by PG&E to City Council**  
**From: Councilmember Wengraf, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** That the City Council receive a presentation from representatives of Pacific Gas & Electric (PG&E) concerning their Community Wildfire Safety Program and specifically the Public Safety Power Shutoff (PSPS) element of that program.  
**Financial Implications:** Minimal  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation. Presentation held during Ceremonial Items on July 16, 2019.
- 9. Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**  
**From: Councilmembers Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Harrison**  
**Recommendation:** Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #1 to include supporting materials.

## Council Consent Items

- 10. Support for AB 302 (Parking for Homeless Community College Students)**  
**From: Councilmembers Robinson, Kesarwani, and Davila**  
**Recommendation:** Send a letter to Senator Skinner, Assemblymember Wicks, and Assemblymember Marc Berman supporting AB 302, which would include in the Education Code a requirement that community colleges provide overnight parking access to any enrolled homeless student, and request expansion of the bill to cover UCs and CSUs.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation.
- 11. Support for AB 1076 (Ting) - Automatic Relief of Criminal Records**  
**From: Councilmembers Robinson and Davila**  
**Recommendation:** Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Hahn and Bartlett added as co-sponsors. Approved recommendation.
- 12. Making Berkeley City Hall a Voting Center**  
**From: Councilmember Robinson, Mayor Arreguin, and Councilmember Davila**  
**Recommendation:** Refer to the City Manager to seek approval from the County Registrar of Voters and Secretary of State to make City Hall a voting center in time for the March 2020 statewide Primary under the California Voter's Choice Act, in order to offer more voter services to Berkeley residents, including same day voter registration.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Item removed from the agenda by Councilmember Robinson.

## Action Calendar – Continued Business

- Aa. Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission** (*Continued from July 9, 2019.*)  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt resolution assigning socially responsible investment and procurement advisory role to the Peace and Justice Commission.  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, 981-7000

## Action Calendar – Continued Business

**Ab. Companion Report to Peace and Justice Commission’s Resolution Asking to be an Assigned Advisory Role in Consulting on Socially Responsible Investments and Procurement** *(Continued from July 9, 2019.)*

**From: City Manager**

**Recommendation:** Continue to allow the City Council Budget and Finance Committee to provide investment policy oversight.

**Financial Implications:** See report

Contact: Dave White, City Manager's Office, 981-7000

**Action:** 5 speakers. M/S/C (Arreguin/Bartlett) to adopt Resolution No. 69,028–N.S. in Item Aa as revised in the supplemental material introduced by Mayor Arreguin.

**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Droste; Abstain – Kesarwani, Wengraf.

**B. Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley’s Affordable Housing** *(Continued from July 9, 2019.)*

**From: Mayor Arreguin, and Councilmembers Hahn, Harrison, and Robinson**

**Recommendation:** Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the “Framework”) and return comments for consideration at a Special Meeting of the City Council in September, to inform a final version the City Council will adopt to govern Berkeley’s affordable housing policies, programs and projects through 2030.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

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

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

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.

**Vote:** All Ayes.

**Action:** 6 speakers. M/S/C (Hahn/Arreguin) to refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the “Framework”) and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley’s affordable housing policies, programs and projects through 2030. The item is further amended to add a “Draft” notation, remove the phrase “rather than for profit-maximizing companies” from Section II, and remove reference to the 50% goal.

**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Droste; Abstain – Wengraf.

## Action Calendar – Continued Business

- C. **Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 9, 2019. Item contains supplemental material.)*

**From: Councilmembers Harrison, Davila, Bartlett, and Hahn**

**Recommendation:**

1. Adopt an ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.
2. Refer to the November 2019 budget process for consideration of allocating up to \$273,341 per year from excess equity to fund a two-year position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, 981-7140

**Action:** M/S/C (Harrison/Hahn) to accept revised materials from Councilmember Harrison on Item C.

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

Councilmember Bartlett absent 8:05 p.m. – 8:09 p.m.

Recess 8:50 p.m. – 9:12 p.m.

**Action:** 36 speakers. M/S/C (Hahn/Harrison) to:

1. Adopt first reading of Ordinance No. 7,672–N.S. as revised in the supplemental materials accepted at the meeting. Second reading scheduled for July 23, 2019.
2. Refer to the November 2019 budget process for consideration of allocating up to \$273,341 per year from excess equity to fund a two-year position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.

**Vote:** All Ayes.

## Action Calendar – New Business

13. **Annual Housing Pipeline Report**

**From: City Manager**

**Recommendation:** Review and provide input on the data included in the Housing Pipeline Report.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

**Action:** M/S/C (Arreguin/Robinson) to hold over Item 13 to July 23, 2019.

**Vote:** All Ayes.

## Council Action Items

14. **Opportunity Zone Project Guidelines for the City Manager**  
**From: Councilmembers Bartlett, Harrison, Mayor Arreguin, and Councilmember Davila**

**Recommendation:** Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts Venues; Civic Uses (Government Offices, Libraries, Schools, Public Safety); Public Open Space and Recreation Facilities; Health Care Services; Transportation Demand Management features; and Job training or employment opportunities.

The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones.

That City staff, working with non-profit organizations OR seeking technical assistance, develop a prospectus marketing community development projects in Berkeley's Opportunity Zones using the guidelines mentioned above, or any other tools to attract equitable investment in Opportunity Zones.

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

**Action:** Moved to Consent Calendar. Approved recommendation.

## Information Reports

15. **Referral Response Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures**  
**From: City Manager**  
Contact: David Brannigan, Fire, 981-3473  
**Action:** Received and filed.
16. **Community Environmental Advisory Commission 2019 Work Plan**  
**From: Community Environmental Advisory Commission**  
Contact: Viviana Garcia, Commission Secretary, 981-7460  
**Action:** Received and filed.
17. **Public Works Commission Fiscal Year 2020 Work Plan**  
**From: Public Works Commission**  
Contact: Nisha Patel, Commission Secretary, 981-6300  
**Action:** Received and filed.

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



## **Adjournment**

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

**Vote:** All Ayes.

Adjourned at 11:39 p.m.

## **Communications**

### **RV Permitting**

1. Barbara Freeman
2. Gabriela Giacchino
3. Stan Leibowitz
4. Jessica Behrman (3)
5. Allison Kidder
6. Diana Bohn
7. Doug Kidder
8. Paola Laverde, on behalf of the Berkeley Rent Stabilization Board
9. Tamara Gurin

### **Ashby BART Housing**

10. Teresa Clarke, on behalf of South Berkeley Now

### **5G**

11. Richard Hirsch
12. Marvin Snow
13. Chimey Lee
14. Jennifer Burt
15. Vivian Warkentin
16. Dawn Hawk
17. Marvin Snow

### **Eden I&R 211 Calls**

18. Eden I&R

### **Sacramento and University Construction**

19. Jesse Goldberg (2)

### **Sea Level Rise**

20. Margot Smith

### **Lease Proposal at 2435 and 2439 Channing Way**

21. Ian Bennett-Goldberg, on behalf of Sutter Law PC

### **STEM Future Foundation**

22. Clergy for STEM

**Microbond Initiative**

- 23. Giap Vu
- 24. Max Levine
- 25. DBGrow, Inc.

**Traffic Circle at 62<sup>nd</sup> and King**

- 26. Heather McWhinney
- 27. Sam Kang
- 28. Sara Jo
- 29. Eric Perney

**Civic Arts Funding**

- 30. Janice Murota
- 31. Carol Lashof

**Tree Wells – Grow More Trees**

- 32. Nancy Bardach

**A Millisecond Left**

- 33. Donald Goldmacher

**West Campus Pool**

- 34. Summer Brenner
- 35. Gael
- 36. Stacey Singleton
- 37. Donna Mickleson

**No Fiscal Transparency**

- 38. Eric Friedman
- 39. Barbara Gilbert
- 40. Jessica Behrman

**Change.org Petition – Predatory Displacement through Receivership**

- 41. Unknown

**BHA Office Experience**

- 42. Steven Schuyler
- 43. William Watkins

**Adeline Corridor**

- 44. Friends of Adeline

**The Environment**

- 45. Donald Goldmacher

## **Russbumer Dialogue**

46. Russbumer (12)

## **Supplemental Communications and Reports 1**

### **Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**

47. Supplemental materials, submitted by Councilmember Wengraf

### **Item #14: Opportunity Zone Project Guidelines for the City Manager**

48. Barbara Gilbert

## **Supplemental Communications and Reports 2**

### **Ceremonial Matters: Community Wildfire Safety Program**

49. PG&E

### **Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**

50. Sally Nelson

51. Regina DiMaggio

52. Linda Franklin

53. Kelly Hammargren

54. Phoebe Sorgen (2)

### **Item #B: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing** *(Continued from July 16, 2019.)*

55. Marina Wolfe, on behalf of the Housing Advisory Commission

56. Carole Marasovic, on behalf of the Homeless Commission

57. Mariana Almeida

### **Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings**

58. Revised material, submitted by Councilmember Harrison

59. May Simpson, on behalf of the Community Health Commission

60. Cate Leger, on behalf of the Berkeley Energy Commission

61. Tom Lent

62. Nick Young

63. Matthew Gough, on behalf of the Sierra Club

64. Bill Rathbun

65. Councilmember Harrison

66. Joel and Josie Gerst

67. Sara Kupor

68. Kathleen Greene

69. Phyllis and David Rothman

70. Ruby MacDonald, on behalf of The League of Women Voters

71. Dave Margulius

### **Item #14: Opportunity Zone Project Guidelines for the City Manager**

72. Seventy-three communications submitted via Berkeley Considers, includes summary information

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

#### **Item #1: Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language**

73. Veronika Fukson

#### **Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**

74. Phoebe Sorgen (2)

75. Ellen Marks

76. Sandy Nixon

77. Elisabeth Jewel

78. Sigrid and Ed Allen

#### **Item #Aa: Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission** *(Continued from July 9, 2019.)*

79. Revised material (track changes), submitted by Mayor Arreguin

80. George Lippman, on behalf of the Peace and Justice Commission

#### **Item #B: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing** *(Continued from July 16, 2019.)*

81. Terry Taplin

82. Barbara Gilbert (2)

83. Mark Numainville, submitted on behalf of the City Clerks Office.

#### **Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019. Item contains supplemental material.)*

84. Supplemental material, submitted by Councilmember Harrison

85. Presentation, submitted by Councilmember Harrison

86. Steve Donaldson

87. Jane Ellis

88. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce

89. Paula Morgan

90. Bruce Karney

91. League of Women Voters

92. David Finley

#### **PG&E Public Safety Power Shutdown Questions**

93. Berkeley Ready

#### **Milan Urban Food Policy Pact**

94. Unknown