

# AGENDA



## BERKELEY CITY COUNCIL MEETING

**Tuesday, January 21, 2020  
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

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. 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:

**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 by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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 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. Speaker cards are not required for this second round of public comment on non-agenda matters.*

## 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.” 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.*

## Recess Items

- 1. License Agreement: California Jazz Conservatory for Property at 1947 Center Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a license agreement with California Jazz Conservatory (“Jazz School”) for non-exclusive use of space on the fifth floor at 1947 Center Street for a three-month term ending March 31, 2020.  
**Financial Implications:** See report  
Contact: David White, City Manager’s Office, (510) 981-7000
- 2. Contract: Capoeira Arts Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Capoeira Arts Foundation in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: David White, City Manager’s Office, (510) 981-7000

## Consent Calendar

### 3. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of December 3, 2019 (special closed and regular), December 10, 2019 (special closed and regular) and December 16, 2019 (special closed).

**Financial Implications:** None

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

### 4. City Council Short Term Referral Process

**From: City Manager**

**Recommendation:** Approve moving Short Term Referral reporting to a quarterly basis, in alignment with Strategic Plan reporting.

**Financial Implications:** None

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

### 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 21, 2020

**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 - \$7,281,620

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

### 6. Contracts: Citywide Printing and Copying Services

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to approve contracts and any amendments with the following named firms for Citywide Printing and Copying Services for a total amount not to exceed \$675,000 for a 3 year period starting February 1, 2020 through January 31, 2023, subject to the City's annual budget appropriation process:

1. Synthesis Group Inc. dba Minuteman Press Berkeley in an amount not to exceed \$575,000;

2. In and Out Printing Services, Inc. in an amount not to exceed \$100,000.

**Financial Implications:** Various Funds - \$675,000

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

### 7. Contract: Venture Tactical for Personal Protective Equipment for Firefighters

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Venture Tactical to provide personal protective equipment (PPE) for Berkeley Firefighters in an amount up to \$112,000.

**Financial Implications:** See report

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

## Consent Calendar

- 8. Contract: First Spear Of California (FSOC) for Personal Protective Equipment for Firefighters**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with First Spear Of California (FSOC) to provide personal protective equipment (PPE) for Berkeley Firefighters in an amount up to \$47,000.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
- 9. Contract: Michael Brady for Emergency Management Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Michael Brady to provide emergency management training for City Emergency Operations Center (EOC) and Department Operations Center (DOC) staff in an amount up to \$166,680.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
- 10. Designate the Line of Succession for the Director of Emergency Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 68,336-N.S.  
**Financial Implications:** None  
Contact: David Brannigan, Fire, (510) 981-3473
- 11. Grant Application: Funding from Bay Area Urban Areas Security Initiative (UASI) to Support Emergency Medical Training Equipment and Fire/Rescue Utility Vehicle Purchases**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to submit grant applications to the Bay Area Urban Areas Security Initiative grant program in the amount of \$56,472 to fund purchase of Emergency Medical Training Equipment and in the amount \$53,134 to fund purchase of a Polaris Fire/Rescue Utility Vehicle, and to accept grant funds and execute resulting grant agreements.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473

## Consent Calendar

12. **Grant Application: Funding from California Department of Forestry and Fire Protection to Support Hazardous Fuels Reduction in Berkeley Wildland Urban Interface**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$800,484 to the California Department of Forestry and Fire Protection (Cal Fire) California Climate Investments (CCI) program to fund a three-year vegetation mitigation program to operate in the Wildland Urban Interface (WUI) of Berkeley's Fire Zones 2 and 3, and to accept grant funds and execute a resulting grant agreement.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
13. **Contract No. 31900132 Amendment: BOSS for Representative Payee Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900132 with vendor Building Opportunities for Self-Sufficiency (BOSS) to provide Representative Payee services. (A representative payee is a person or organization appointed by the Social Security Administration to receive the Social Security or Supplemental Security Income benefits for anyone who is unable to manage or direct the management of his or her benefits.) The amendment will add \$25,000 to the current contract and extend it through June 30, 2020 for a total contract not to exceed amount of \$100,000. The current contract would be extended by four months, pursuant to the MHSA Plan, with additional funding proportionate to the monthly payment terms of the original contract.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
14. **Contract No. 10631B Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10631B with Resource Development Associates (RDA) to provide evaluation consulting services for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$24,000, for a total contract amount not to exceed \$78,500.  
**Financial Implications:** Mental Health Services Act Prevention and Early Intervention Homeless Outreach Fund - \$24,000  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Consent Calendar

**15. Release of Resale Restrictions on former Redevelopment Agency Homeowner Loans**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute releases for resale restrictions on seven homeowner loans made by the former Berkeley Redevelopment Agency.

**Financial Implications:** None

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**16. Grant Applications: California Affordable Housing and Sustainable Communities Infrastructure and Agreements in Connection with the Proposed Blake Apartments and Maudelle Miller Shirek Community Projects**

**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 agreements (including amendments) with the following developers and/or their affiliates relating to grant applications to the California Affordable Housing and Sustainable Communities program for project-related transportation and infrastructure improvements: a. Satellite Affordable Housing Associates for Blake Apartments (2527 San Pablo), for a total grant amount of up to \$1.422 million; and b. Resources for Community Development for Maudelle Miller Shirek Community (2001 Ashby), for a total grant amount of up to \$2.625 million. 2. Authorizing the City Manager to accept up to \$4.047 million in state AHSC funds from the projects and complete selected transportation improvements if awarded.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**17. Approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement, Ground Leases, and Certain Related Documents for 2012 Berkeley Way**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement for 2012 Berkeley Way, the three ground leases outlined in the Disposition and Development Agreement, and two Reciprocal Easement, Maintenance and Joint Use Agreements required for project operations.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

**18. \*\*\*Removed from Agenda by the City Manager\*\*\* Contract No. 9649  
Amendment: Sloan Sakai LLP for Continued Chief Labor Negotiator Services**

**From: City Manager**

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

## Consent Calendar

19. **Classification and Salary: Establish Mental Health Nurse Classification Series**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 68,626-N.S. Classification and Salary Resolution for SEIU Local 1021 CSU & PTRLA to establish the classifications of Mental Health Nurse with a monthly salary range of \$9,348.02 - \$11,363; Senior Mental Health Nurse with a monthly salary range of \$9,815.87 - \$11,931.92; and amending Resolution No. 68,710–N.S. Classification and Salary Resolution for Public Employees Union Local to establish a Supervising Mental Health Nurse classification with a monthly salary range of \$10,307.24 - \$12,528.52 – effective January 21, 2020.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
20. **2020 Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2020 for administering the Workers’ Compensation Program, in an amount not to exceed \$285,609.  
**Financial Implications:** Workers’ Compensation Self-Insurance Fund - \$285,609  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
21. **Contract No. 9791 Amendment: Environmental Systems Research Institute, Inc. (ESRI) for Enterprise Graphical Information Systems (GIS) Software License Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9791 with Environmental Systems Research Institute, Inc. (ESRI) for Enterprise GIS software license maintenance and support increasing the amount by \$225,000 for a not-to-exceed total of \$621,000 for the period of July 1, 2020 through June 30, 2023.  
**Financial Implications:** Various Funds - \$225,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
22. **Contract No. 10264B Amendment: ThirdWave Corporation for Digital Strategic Plan Refresh and RapidWorkflow® Process Modeling (RWPM) Certification Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No 10264B with ThirdWave Corporation for Digital Strategic Plan Refresh and RapidWorkflow® Process Modeling (RWPM) Workshops for an amount not to exceed \$73,658, and a total contract value not to exceed \$329,061 from May 1, 2016 through June 30, 2021.  
**Financial Implications:** Various Funds - \$73,658  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

## Consent Calendar

- 23. Contract No. 10988 Amendment: Presidio Network Solutions, LLC: Develop and Deliver a roadmap for Cyber Resilience Plan (CRP)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No 10988 with Presidio Network Solutions (“Presidio”) for an amount not to exceed \$28,620 and a total contract value not to exceed \$128,620 from September 21, 2018 through June 30, 2021.  
**Financial Implications:** Various Funds - \$28,620  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 24. Donation: Memorial Bench at Cesar Chavez Park in memory of Michael H. Weiss**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Michael H. Weiss.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 25. Amendment to Contract No. 32000034 with Bellingham to Replace Additional Finger Docks at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000034 with Bellingham Inc. to replace damaged finger docks at the Berkeley Marina by increasing the construction contract amount by \$60,000 for a not-to-exceed amount of \$384,335.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 26. Contract No. 31900207 Amendment: Recruiting, Advertising, and Marketing Strategy for the Berkeley Police Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900207 with Epic Recruiting, to provide additional recruiting and advertising services for police and professional staff vacancies. This amendment would add \$90,000 for a total contract amount not to exceed \$190,000, and extending the term through April 30, 2021.  
**Financial Implications:** General Fund - \$90,000  
Contact: Andrew Greenwood, Police, (510) 981-5900



## Consent Calendar

27. **Contract No. 10645 Amendment: Recology Blossom Valley Organics - North for the Hauling and Processing of Organic (Compostable) Materials**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10645 for a five (5) year term with Recology, Inc.'s Blossom Valley Organics - North facility for the hauling and processing of organic (compostable green and food waste) materials through February 28, 2025 increasing the amount of the contract by \$13,600,000 for a total amount not-to-exceed \$26,661,930.  
**Financial Implications:** Zero Waste Fund - \$13,600,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300
28. **Appointments of Maria Moore, Edward Opton and Farzaneh Izadi to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the appointment of Maria Moore as a representative of the Special Public Interest Category; Edward Opton, as a representative of the General Public Interest Category; and Farzaneh Izadi as a representative of the Special Public Interest Category to the Mental Health Commission, for three year terms beginning January 22, 2020 and ending January 21, 2023.  
**Financial Implications:** None  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
29. **Resolution: Oppose the new U.S. base construction in Henoko-Oura Bay of Okinawa**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution in opposition of the new U.S. base construction in Henoko-Oura Bay of Okinawa.  
**Financial Implications:** None  
Contact: Nina Goldman, Commission Secretary, (510) 981-7000

## Council Consent Items

30. **YMCA of the East Bay Youth & Government Program**  
**From: Mayor Arreguin and Councilmember Bartlett**  
**Recommendation:** Adopt a Resolution approving the D-13 expenditure of \$1,500 in an amount not to exceed \$300 per Councilmember, to the YMCA of the East Bay's Youth & Government program.  
**Financial Implications:** Mayor's Discretionary Fund - \$300  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

**31. Berkeley Youth Alternatives (BYA) 16th Crab Feed on Thursday, February, 27, 2020: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmembers Davila and Bartlett**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$120 from Councilmember Cheryl Davila, to support Berkeley Youth Alternatives, for their 16th Annual Crab Feed Fundraiser on Thursday, February 27, 2020, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Cheryl Davila and Mayor or any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Fund - \$120

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**32. Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability (Reviewed by the Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee)**

**From: Councilmembers Davila and Bartlett**

**Recommendation:** Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.” 2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding. 3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability.

**Financial Implications:** To be determined

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**33. Budget Referral to Conduct an Equal Pay Audit**

**From: Councilmember Harrison**

**Recommendation:**

1. Refer to the June 2020 Budget Process \$20,000 to pay for an Equal Pay Audit for City of Berkeley employees. The audit would include pay band analyses and analyses of job segregation and glass ceilings.

2. Issue an RFP to complete the Equal Pay Audit

**Financial Implications:** \$20,000

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

## Council Consent Items

**34. National Zero Waste Conference: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds From: Councilmember Hahn, Mayor Arreguin, and Councilmember Bartlett Recommendation:**

1. Adopt a resolution co-sponsoring the National Zero Waste Conference at UC Berkeley on March 18-19, 2020.
2. Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the National Recycling Coalition, the fiscal sponsor of the conference, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

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

**35. Small Business Listening Sessions**

**From: Councilmember Hahn**

**Recommendation:** Refer to the City Council's Land Use, Housing & Economic Development policy committee to establish regular Small Business/Enterprise Listening Sessions.

**Financial Implications:** See report

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

## Council Consent Items

**36. Recommendations Related to Code Enforcement and Receivership Actions**  
*(Reviewed by Health, Life Enrichment, Equity, and Community Committee)*

**From: Health, Life Enrichment, Equity & Community Committee**

**Recommendation:** On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:

- a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years;
- b. How various code enforcement issues at residential properties are currently handled;
- c. Timeframe and mechanisms for achieving code compliance at residential properties;
- d. Any existing assistance programs available to support property owners found to have code violations;
- e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case;
- f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties

Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership.

And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance by an independent third party for individuals who are facing City of Berkeley initiated receivership, and that the reply also include a process for the individual to pick legal and technical representatives of their choice. This response should also include a recommendation from the City Manager and a budget referral.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150; Rashi Kesarwani, Councilmember, District 1, (510) 981-7110; Cheryl Davila, Councilmember, District 2, (510) 981-7120

**37. Co-sponsor Supervisor Keith Carson's Berkeley 2020 Census Town Hall**  
**From: Councilmembers Wengraf and Bartlett**

**Recommendation:** That the City of Berkeley co-sponsor Supervisor Keith Carson's Berkeley 2020 Census Town Hall to be held on February 20, 2020 from 5:30 – 7 PM at the Ed Roberts Campus. By co-sponsoring, the Mayor and Councilmembers pledge to publicize and promote the Town Hall to their constituents, and attend themselves if possible.

**Financial Implications:** None

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

## Council Consent Items

- 38. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmembers Wengraf, Hahn, Bartlett, and Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmembers Wengraf, Hahn and Bartlett and Mayor Arreguin, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf, Hahn, Bartlett and Mayor Arreguin's discretionary Council Office Budgets, and all other Councilmembers who would like to contribute, allows the City of Berkeley to hold the City's 18th Annual Holocaust Remembrance Day program. All are invited to attend on Sunday, April 19th, 11:30 AM at the Magnes Collection of Jewish Art and Life.  
**Financial Implications:** Mayor and Councilmembers' Discretionary Funds - \$500  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 39. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**  
**From: Councilmembers Wengraf, Hahn, and Davila**  
**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade and honoring the 47th anniversary of its passage.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 40. No War With Iran**  
**From: Councilmembers Robinson and Harrison, Mayor Arreguin, and Councilmember Davila**  
**Recommendation:** Adopt a resolution: 1. Condemning the Trump administration's assassination of a foreign government official, an act of war not authorized by Congress. 2. Endorsing the resolution by Senator Sanders and Representative Khanna to block funding for any military actions against or in Iran without prior Congressional authorization. 3. Endorsing the resolution by Representative Omar and Representative Lee directing the removal of all Armed Forces from hostilities with Iran and requiring that all future actions be explicitly authorized by Congress.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

- 41. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street** *(Continued from December 10, 2019)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25N by adding a subsection to implement Residential Preferential Parking (RPP) on the 1500 block of Lincoln Street in RPP Area N.  
**Financial Implications:** General Fund - \$2,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 42. Extension of the Urgency Ordinance Amending the Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development for a Period of 10 Months and 15 Days**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt an extension of the Urgency Ordinance (Number 7,683-N.S.) amending Berkeley's ADU Ordinance to comply with new State law, and extend limits on ADU development for a period of 10 months and 15 days, pending further analysis and adoption of local regulations that ensure public safety in Fire Zones 2 and 3.  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

## Action Calendar

- 43a. Public Works Commission Recommendation for the Five-Year Paving Plan** *(Continued from December 10, 2019)*  
**From: Public Works Commission**  
**Recommendation:** Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.  
**Financial Implications:** See report.  
Contact: Nisha Patel, Commission Secretary, (510) 981-6300

## Action Calendar

**43b. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan** *(Continued from December 10, 2019)*

**From: City Manager**

**Recommendation:** Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2020 to FY 2024 and refer to the City Manager consideration of a Long-Term Paving Master Plan to be started after the completion of the public process of T1 Phase 2. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

**44. Establishing an Outdoor Emergency Shelter** *(Reviewed by Health, Life Enrichment, Equity & Community Committee)*

**From: Councilmembers Harrison and Davila, Mayor Arreguin, and Councilmember Robinson**

**Recommendation:**

1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services E. Garbage pickup and safe needle disposal.

2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.

3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.

4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.

**Financial Implications:** See report

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

**45. Confirm Council Action on Measure P Revenue Allocations for FY 2020-2021**

**From: Mayor Arreguin**

**Recommendation:** Confirm the City Council's action taken on December 3, 2019 to allocate General Funds generated by the Measure P Transfer Tax increase for existing and new homeless programs and implementation for Fiscal Years 2020 and 2021. Detailed listing of approved expenditures is included in Attachment 1 to the report.

**Financial Implications:** See report

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

## Action Calendar

- 46. Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations** *(Continued from December 10, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for nine (9) Ford Super Duty F-Series Pickup Trucks with varying service body configurations with National Auto Fleet Group in an amount not to exceed \$492,284, and a subsequent purchase order for the conversion of the nine (9) Ford Super Duty F-Series Pickup Trucks to plug in hybrid vehicles in an amount not to exceed \$245,000 using XL Fleet technology when it becomes commercially available.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow** *(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee)*  
**From: Councilmember Harrison**  
**Recommendation:**  
1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.  
2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 48. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee) (Continued from December 3, 2019. Item contains revised and supplemental material.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescinding any preceding amendatory resolutions.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900



## Action Calendar

- 49a. Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages**  
**From: Sugar Sweetened Beverage Product Panel of Experts**  
**Recommendation:** The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not: 1. Serve sugar-sweetened beverages at City meetings and events on City property; 2. Procure sugar-sweetened beverages with City funds; or, 3. Sell sugar-sweetened beverages on City property, including in vending machines.  
**Financial Implications:** See report  
Contact: Dechen Tsering, Commission Secretary, (510) 981-5300
- 49b. Companion Report: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales, and Serving Sugar-Sweetened Beverages**  
**From: City Manager**  
**Recommendation:** Recommend that the City Council adopt an amended resolution that recognizes the important principles in the Commission recommendation, clarifies the intent of the measure and provides some flexibility for City programs and staff while still emphasizing availability of healthy options. This amended resolution would require that the majority of all beverages provided or sold at any City event or on any City property (including vending machines) be non-sugar sweetened beverages (as defined in chapter 7.72 of the Berkeley Municipal Code) and education materials be provided to all COB staff to actively discourage the consumption of sugar-sweetened beverages and encourage the consumption of water.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Information Reports

- 50. 2019 Business Survey Results**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 51. Referral Response: Small Business Retention Programs**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 52. Update on Measure T1 City Infrastructure Bond Program**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Phillip Harrington, Public Works, (510) 981-6300
- 53. Animal Care Commission FY 2019/2020 Work Plan**  
**From: Animal Care Commission**  
Contact: Amelia Funghi, Commission Secretary, (510) 981-6600

# 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.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. 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 or in person 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 <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
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 January 9, 2020.*

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](#).*

### **Item #41: Implement Residential Preferential Parking (RPP) on the 1500 Block of Lincoln**

1. Anonymous

### **Item #44: Establishing an Outdoor Emergency Shelter**

2. Zipporah Collins
3. Councilmember Harrison

### **Item #46: Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations**

4. Donald Goldmacher

### **Item #47: Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow**

5. David Lerman

### **BART MOU**

6. 11 identical form letter
7. Matt Rosen
8. Eric Glick Rieman
9. Jeannette McNeil
10. Laura Cochrane
11. Ignacio
12. Hayley Currier

13. Lee Bishop
14. Susi Marzuola
15. Paul Bickmore
16. Vivian Warkentin
17. Howard Goldberg
18. Avram

### **5G/Telecom**

19. Vivian Warkentin (3)
20. Phoebe Sorgen (2)
21. Soula Culver
22. Cecile Leneman
23. Marge Turngren
24. Mary McGann
25. Whitney Vosburgh
26. Cynthia Papermaster (2)
27. Ellie Marks (3)
28. Councilmember Harrison
29. Cynthia Rahav
30. Ron Pollak (2)
31. Alexander Benn
32. Connie Anderson
33. Avram (2)
34. Pollock & James, Attorneys at Law
35. Ed Schmookler

### **Homelessness/Encampments**

36. Carole Marasovic, on behalf of the Homeless Commission (2)
37. Ryan Hilton, on behalf of the Pacific Racing Association
38. David Lerman
39. Meta Baerwalk Pasternak
40. James Wood (4)
41. Erwan Illien
42. Russbumper
43. Pedro Alvarez

### **Request for Corrective Action**

44. David Kellogg

### **City Manager's Evaluation**

45. Margot Smith (2)
46. Phoebe Sorgen
47. Juli Dickey
48. Judy Ann Alberti

**Affordable Housing**

49. Judith Turley

**Bay Trail Extension**

50. Mark Elgood

51. Lee Henderson

52. David Fraser, on behalf of the Cal Sailing Club

53. Caryl Woulfe

54. Tom Gandesbery

55. Leslie Buck

56. Molly Morelock

57. Nicholas Waton

58. Sheldon Coad

59. Sebastian Gomez Biggeri

60. Nick Goyhenetche

61. David Fraser

62. Rick Kosarchuk

63. Gene Golfus

**Police Review**

64. Racism and Criminal Justice Reform Group, et al

65. Phoebe Sorgen

66. Jane Welford

**Banning Natural Gas**

67. LR

**Persons with Disabilities**

68. Mary Behm-Steinberg

69. Councilmember Kesarwani

70. Mark Numainville

**Berkeley Police**

71. Carol Denney

**Square Footage Based Special Taxes**

72. Shirley Dean

73. Auditor

**Youth Spirit Artworks (YSA)**

74. Abby Hu

75. Eric Friedman

76. Hanna Lykke

**Healthy Options at Point of Sale (HOPS)**

77. Marty Lynch, CEO of LifeLong Medical Care

78. The Latinxas & the Environment Initiative  
79. Mansour Id-Deen

**Campaign Contributions from Real Estate Developers**

80. Margot Smith

**New Smoke-free Signage**

81. Carol Denney

**Homeless Measure P Funding**

82. David Lerman

**Under Grounding Utility Wires**

83. Arek Goetz

**Low Flying Aircraft over Berkeley**

84. Judith McEnroe

**Be Wise! Be Bright When Crossing at Night**

85. Vivian Clayton

**City Council May Direct the City Attorney**

86. Thomas Lord

**Gas Car Sales**

87. Dale Miller, on behalf of the Golden Gate Electric Vehicle Association

88. Andy Shrader, on behalf of Councilmember Paul Koretz of Los Angeles

**Development of 2435 San Pablo**

89. The Berkeley Neighborhoods Council Executive Committee

**Adeline Corridor**

90. Chimey Lee

**Acute Housing Crisis – AB 1482**

91. Julia Cato, on behalf of the Berkeley Tenants Union

**Misrepresented FCC Regulations, Etc.**

92. Arthur Stopes, III (7)

**Harriet Tubman Terrace**

93. Harriet Tubman Terrace Tenant Council Steering Committee (3)

94. DeAnna Gee, on behalf of the Agent for Owner, Harriet Tubman Terrace (2)

**Downtown Streets Team**

95. Julia Lang

### **Drones at Cesar Chavez Park**

96. Carol Denney

97. Max Newton

### **Trash Truck Purchases – Reducing Pavement Damage**

98. Bryce Nesbitt

### **Pathways STAIR Center**

99. James Wood (9)

100. M. Zint

101. Marcia Poole (3)

102. Eric Friedman

### **Bbox Café – A Cashless Business**

103. Carol Denney

### **3404 King Street – Covenant House**

104. Pedro Alvarez

### **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.

