

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, May 28, 2019
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION: 712 MORENO AVENUE, LOS ANGELES, CA 90049

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: 6:14 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin

Absent: Wengraf

Councilmember Wengraf present at 6:27 p.m.

Report from Closed Session:

At the closed session meeting on May 28, 2019 the City Council voted to approve the following settlements:

1. Robertson v. City of Berkeley, Alameda County Superior Court Case No. RG 17851346 in the amount of \$150,000.
2. Jonathan and Sally Francis v. City of Berkeley, Alameda County Superior Court Case No. RG 17880940. The City Council approved the settlement of \$350,000 contingent on the City Manager and the plaintiffs reaching an agreement on the final language in the document to be recorded with the County Recorder regarding the 2018 landslide repairs.

Ceremonial Matters:

1. Recognition of Affordable Housing Week
2. Recognition of Berkeley Green Certified Businesses
3. Recognition of Berkeley World Music Festival Weekend, June 1-2, 2019
4. Adjourned in Memory of Susan Hone, former Berkeley Vice-Mayor
5. Adjourned in Memory of William "Three Hundred" Barclay Caldeira, Berkeley Resident and Homeless Commissioner

City Manager Comments:

1. Announced the availability of the Strategic Plan Quarterly Report and Update on Strategic Plan Priorities for FY18-19.
2. Bill and Celina Rose Youth 3 on 3 Basketball Event at San Pablo Park on Saturday, June 1, 2019 from 9:00 a.m. - 5:00 p.m.
3. Ohlone Park 50th Anniversary Celebration on Saturday, June 1, 2019 from 11:00 a.m. -4:00 p.m.
4. Roses in Bloom concert Series at the Rose Garden on Sunday, June 2, 2019 from 3:00 - 5:00 p.m.
5. Kidchella Concert Series begins Saturday June 8, 2019 at Willard Park at 3:00 p.m.

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 9 speakers.

Consent Calendar

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

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 16 speakers.

Recess: 8:00 p.m. – 8:10 p.m.

Consent Calendar

1. **Amendment: FY 2019 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,652-N.S. amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,802 (gross) and \$19,746,430 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Adopted second reading of Ordinance No. 7,652-N.S.

Consent Calendar

- 2. One-Way Car Share – Transition from Pilot to Baseline Program**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,653-N.S. pursuant to Berkeley Municipal Code Chapter 14.62, deleting language that refers to the program as a limited-term “pilot” and amending language on the number of vehicle parking permits for which a one-way car share organization may apply.
First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,653-N.S.
- 3. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,654-N.S. amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial.
First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,654-N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 2, 2019 (regular), April 23, 2019 (special and regular), April 29, 2019 (special closed), and April 30, 2019 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 5. Contract No. 10854 Amendment: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10854 with Townsend Public Affairs, Inc., contract No. 10854, for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$45,000, for an amount not-to-exceed \$90,000, and extending the contract from December 31, 2018 to June 30, 2020.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
Action: Adopted Resolution No. 68,918–N.S.

Consent Calendar

- 6. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving the Annual Report of FY19 and preliminary budget for FY20 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association; and
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$650,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2019 to June 30, 2020.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,919–N.S. (Annual Report); and Resolution No. 68,920–N.S. (Contract).
- 7. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2020
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,921–N.S.
- 8. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2020
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,922–N.S.
- 9. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the TBID for FY 2020.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,923–N.S.

Consent Calendar

10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 28, 2019

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, 981-7300

Action: Approved recommendation.

11. Notice of Appropriations Limit for Fiscal Year 2020

From: City Manager

Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2020 at its meeting of June 25, 2019; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2019.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted Resolution No. 68,924–N.S.

12. Contract No. 9821 Amendment: First Alarm & Security Patrol, Inc., dba First Security Services for Citywide Unarmed Security Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase the not-to-exceed value of Contract No. 9821 by \$365,792 from \$2,784,798 to \$3,150,590. The additional amount is required to fund continued services until October 31, 2019, which corresponds with the projected commencement date of a new contract for Citywide Unarmed Security Services, resulting from Request for Proposal (RFP) #19-11316-C scheduled to close May 30, 2019.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted Resolution No. 68,925–N.S.

13. Contract: Pyro Spectaculars North, Inc. for fireworks for the Fourth of July and Winter on the Waterfront Special Events

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Pyro Spectaculars North, Inc. in the amount of \$82,500 for fireworks for the Fourth of July and Winter on the Waterfront special events in 2019, with an option for events in 2020 depending on the availability of funds.

Financial Implications: \$82,500

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,926–N.S.

Consent Calendar

14. **Contracts: As-needed Tree Services**

From: City Manager

Recommendation: Adopt four (4) Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for tree services as-needed, each for a period of May 29, 2019 to May 28, 2022:

1. Bay Area Tree Specialists, for an amount not to exceed \$200,000.
2. Hamilton Tree Service, Inc., for an amount not to exceed \$200,000.
3. The Professional Tree Care Company, for an amount not to exceed \$200,000.
4. West Coast Arborists, Inc., for an amount not to exceed \$200,000.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,927–N.S. (Bay Area); Resolution No. 68,928–N.S. (Hamilton); Resolution No. 68,929–N.S. (Professional); and Resolution No. 68,930–N.S. (West Coast).

15. **Contract No. 10786 (117934-1) Amendment: Redwood Engineering for Parks Playground Surfacing and Pathway Repairs**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10786 (117934-1) with Redwood Engineering Construction for parks playground surfacing and pathway repairs, increasing the amount by \$75,000 for an amended total amount not to exceed \$274,000.

Financial Implications: Parks Tax Fund - \$75,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,931–N.S.

16. **Contract: School Bus Transportation from First Student, Inc. for Berkeley Day Camp and Recreation Programs**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with First Student, Inc. to provide school bus transportation services for Berkeley Day Camp and other summer Recreation Division programs for a not-to-exceed total amount of \$423,000 for three years, including a one (1) year period, beginning June 10, 2019 and ending June 30, 2020, with the option to extend for up to two (2) additional years with City Manager approval, contingent upon annual budget appropriations.

Financial Implications: Various Funds - \$423,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 68,932–N.S.

Consent Calendar

17. **Reject Bids and Negotiate in the Open Market for the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to negotiate in the open market for construction work associated with the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C in accordance with Article XI, Public Works and Supplies, Section 67 (a.) of the City Charter.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,933–N.S.

Council Consent Items

18. **Support of SB 48 – Right to Shelter**
From: Mayor Arreguin and Councilmembers Hahn and Bartlett
Recommendation: Adopt a Resolution supporting SB 48 – Right to Shelter, introduced by State Senator Scott Wiener. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Item removed from the agenda by Mayor Arreguin.
19. **Support H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act**
From: Mayor Arreguin and Councilmembers Bartlett, Davila, and Harrison
Recommendation: Adopt a Resolution in support of H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act, introduced by Congressperson Sheila Jackson Lee. Send a copy of the Resolution to Senators Dianne Feinstein and Kamala Harris, Congresspersons Barbara Lee and Sheila Jackson Lee, and President Donald Trump.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,934–N.S.
20. **Budget Referral: \$25,000 to the FY 2020-21 Budget Process for SupplyBank.Org to Expand School Supply Distribution**
From: Mayor Arreguin and Councilmember Davila
Recommendation: Refer the following to the budget process: A request for \$25,000 to expand Berkeley school supply distribution and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.
Financial Implications: General Fund - \$25,000
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

Council Consent Items

21. Budget Referral: \$5,000 for the César Chávez Solar Calendar

From: Mayor Arreguin

Recommendation: Refer to the FY2020-2021 budget process the allocation of \$5,000 to the Kala Art Institute for the purpose of maintaining the Solar Calendar/César Chávez Memorial.

Financial Implications: General Fund - \$5,000

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Councilmembers Harrison, Robinson, and Bartlett added as co-sponsors. Approved recommendation.

22. Budget Referral: \$80,000 to Support Technical Assistance for Succession Planning, Worker Cooperative Conversion and Development

From: Mayor Arreguin

Recommendation: Refer to the budget process to extend the \$30,000 contract to Project Equity for two years and increase the amount to \$80,000 to support and build on the important work done to-date and expand the technical assistance beyond succession planning to include supporting new worker cooperative development.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Councilmembers Davila, Harrison, and Bartlett added as co-sponsors. Approved recommendation.

Council Consent Items

23. **Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: Mayor Arreguin and Councilmembers Kesarwani, Wengraf, and Bartlett

Recommendation: State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation.

Council Consent Items

24. Berkeley Juneteenth Festival: 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 \$500 per Councilmember including \$500 from Councilmember Cheryl Davila, to support purchase of street-pole banners announcing the Berkeley Juneteenth Festival June 16, 2019, 11AM-7PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 68,935–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Wengraf - \$100; Councilmember Harrison - \$100, Councilmember Robinson - \$100; Councilmember Hahn - \$100.

25. Budget Referral: Funding Stop Signs on Carleton Street and Fulton Street

From: Councilmember Bartlett

Recommendation: That the Council refers to the budget process of funding a 4-way stop at the intersection of Carleton and Fulton Street in order to address inadequate traffic control and stopping, and reduce traffic accidents.

Financial Implications: See report

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

Action: Councilmember Davila added as a co-sponsor. Approved recommendation revised to include that the process will be conducted in coordination with the City's Traffic Engineer.

26. Budget Referral: Funding for a Traffic Safety and Mitigation Study and Investments on Alcatraz Avenue

From: Councilmember Bartlett

Recommendation: That the City Council refer to the budget process funding of a traffic safety and mitigation study for Alcatraz Avenue to address the high volume of traffic accidents along this roadway due to inadequate street lighting and traffic controls. This study will determine the best methods of controlling all forms of traffic to maximize the safety of motorists, pedestrians, and bicyclists.

Financial Implications: See report

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

Action: Councilmembers Davila and Harrison added as co-sponsors. Approved recommendation.

Council Consent Items

27. **Budget Referral: Funding for Street Lights Development at Martin Luther King Jr. Way and Stuart Street**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Harrison and Wengraf
Recommendation: That the Council refers to the budget process to fund traffic lights on Martin Luther King Jr. Way and Stuart Street in order to prevent auto-related accidents and traffic deaths and injuries.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation revised to read as follows: "That the Council refers to the FY 2020-2021 budget process to assess and fund traffic safety improvements at the Martin Luther King Jr. Way and Stuart Street intersection. Short-term improvements should include improving street lighting conditions at the crosswalk."
28. **Budget Referral: "Berkeley Inclusion in Opportunity Index" - Funding Firm to Perform Availability Study to Achieve Equity in City Contracting**
From: Councilmembers Bartlett and Davila
Recommendation: That the Council refer to the 2019-2020 budget and allocate \$200,000 to fund Mason Tillman Associates Ltd (MTA) to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
29. **Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.**
From: Councilmembers Bartlett, Harrison, Davila, and Mayor Arreguin
Recommendation: Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.

Council Consent Items

- 30. Budget Referral: Increase Staffing Level of Transportation Division to Expedite City's Vision Zero Goal**
From: Councilmembers Bartlett, Droste, and Robinson
Recommendation: That the Council adds six permanent positions to the Transportation Division as part of the city's fiscal year 2020-2021 biennial budget by referring \$1,433,310.40 to the budget process to fund these positions; the total cost of salaries without benefits is 863,440; the total cost of benefits alone is 569,870.40. These positions should include 4 Engineers, a permanent Senior Planner (to coordinate Vision Zero), and an Administrative Professional. The Transportation Division needs increased staff capacity to deliver funded capital projects and work towards the City's Vision Zero goal of eliminating fatal and severe injury collisions.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 31. Budget Referral: Funding for Development of a Traffic Circle at the intersection of 62nd Street and King Street**
From: Councilmember Bartlett and Mayor Arreguin
Recommendation: Refer to the City Manager to conduct an analysis of the intersection of 62nd and King Streets to recommend a traffic circle or other traffic calming and public safety measures. Allocate \$50,000 to conduct this analysis. Refer to the budget process to allocate funds to implement the City Manager's recommendations.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Davila added as a co-sponsor. Approved recommendation.
- 32. Resolution in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente**
From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember Robinson
Recommendation: Adopt a resolution calling for full parity for mental health patients and clinicians at Kaiser Permanente and supporting the mental health clinicians in their contract negotiations.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,936–N.S.

Council Consent Items

33. Budget Referral: Solano Avenue Revitalization Plan

From: Councilmembers Hahn, Wengraf, Harrison, and Mayor Arreguin

Recommendation:

1. Refer \$300,000 to the FY2020 - FY2021 Budget Process for the development of a two-part Solano Avenue "Master" Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany's mid-corridor Solano Avenue Reconfiguration Plan.

2. Direct the City Manager to send a letter to the City of Albany expressing Berkeley's desire to collaborate on reconfiguration and revitalization plans for the mid-corridor portion of Solano Avenue, and to initiate plans for coordination.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Action: Approved recommendation.

34. Oppose AB-1356 Cannabis: local jurisdictions: retail commercial cannabis activity (Ting)

From: Councilmembers Wengraf, Hahn, Robinson, and Mayor Arreguin

Recommendation: Adopt a resolution in opposition to AB 1356 to Assemblymember Philip Ting with copies to the Chair of the Assembly Appropriations Committee Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, Senator Nancy Skinner and Governor Gavin Newsom.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Action: Adopted Resolution No. 68,937–N.S.

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

35. Budget Referral: Paid Internship Program for Interns of City of Berkeley Councilmembers

From: Councilmembers Robinson and Bartlett

Recommendation: Refer to the budget process to consider an office allowance which would provide stipends to City of Berkeley interns.

Financial Implications: \$15,000

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Approved recommendation revised to allocate \$1,500 per year to the offices of each Councilmember and the Mayor for a total financial implication of \$13,500, and further revised to recommend that the item also be referred to the City Manager to provide guidance on feasibility and policy changes that may be needed in order to enable Council offices to provide stipends to interns.

Council Consent Items

- 36. Support for Renters Rights Bills: SB 529, and AB 36, 724, 1481, and 1482**
From: Councilmember Robinson
Recommendation: Send a letter supporting SB 529, and AB 36, 724, 1481, and 1482 to their respective authors, which would strengthen tenant organizing rights, allow rent control on certain units, provide caps for annual rent increases, protect against wrongful evictions, and create a registry of all California rental units.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmembers Hahn and Davila added as co-sponsors. Approved recommendation to send a letter supporting SB 529, and AB 36, 724, and 1481 to their respective authors.
Vote: All Ayes.
Action: Approved recommendation to send a letter supporting AB 1482 to the respective author.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Harrison.
- 37. Support for SB 212 (Ranked Choice Voting) and SB 641 (Special Elections: Rank Choice Voting)**
From: Councilmember Robinson
Recommendation: Send a letter to Assemblymember Allen supporting SB 212, which would authorize a city, county, or local educational agency to conduct an election using ranked choice voting, and SB 641, which would authorize the Governor to require a special election to fill a vacancy in a congressional or legislative office using rank choice voting, if the jurisdiction is capable of using this voting method.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmember Davila added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 to remove endorsement of SB 641.
- 38. Support for ACA-6: Voting Rights for Parolees**
From: Councilmembers Robinson, Harrison, Bartlett, and Davila
Recommendation: Adopt a resolution supporting ACA-6, which restores the right to vote to citizens on parole for the conviction of a felony.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,938–N.S.

Action Calendar – Public Hearings

39. Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #2
From: City Manager

Recommendation: Conduct a public hearing on the FY 2020 and FY 2021 Proposed Biennial Budget.

Financial Implications: See FY 2020 and FY 2021 Proposed Biennial Budget
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Public Testimony: The Mayor opened the public hearing. 20 speakers.
M/S/C (Droste/Bartlett) to close the public hearing.

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

Councilmember Wengraf absent 9:39 p.m. – 11:10 p.m.

Action: The City Council took testimony on the FY 2020 and FY 2021 Proposed Biennial Budget including the supplemental material included in the Supplemental Communications Packet #2.

Action Calendar – New Business

40. City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget

From: City Manager

Recommendation: Provide recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: Item 40 held over to June 11, 2019.

Action Calendar – Public Hearings

**41. Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates
From: City Manager**

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Harrison/Bartlett) to close the public hearing.

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

Action: M/S/C (Arreguin/Droste) to adopt Resolution No. 68,939–N.S.

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

Councilmember Robinson absent 10:06 p.m. – 10:10 p.m.

Action Calendar – Old Business

42. Berkeley Economic Dashboards *(Continued from March 26, 2019.)*

From: City Manager

Contact: Jordan Klein, Economic Development, 981-7530

Action: Moved to the Consent Calendar.

Action Calendar – Public Hearings

43. Rental Housing Safety Program Proposed Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the Rental Housing Safety Program (RHSP) annual, reinspection and penalty fees in FY 2020 and Fiscal Year 2021.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

M/S/C (Bartlett/Davila) to close the public hearing.

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

Action: M/S/C (Arreguin/Harrison) to adopt Resolution No. 68,940–N.S.

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

Council Action Items

44. Tax Exemption on Federal Research Grants

From: Mayor Arreguin

Recommendation: Adopt a first reading of an Ordinance to add a subsection to Berkeley Municipal Code Section 9.04.165 to create an exemption on the taxing of business gross receipts relating to federal research grants.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 1 speaker. M/S/C (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,655–N.S. Second reading scheduled for June 11, 2019.

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

Councilmember Bartlett absent 10:13 p.m. – 11:10 p.m.

Council Action Items

45. **Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), “Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” until a homeless response system is designed, created and implemented as stated in the “1000 Person Plan.”**

From: Councilmember Davila

Recommendation: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7,632-N.S. (BMC Section 14.48.160 and 14.48.170) Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” at homeless encampments until a homelessness response system is planned, created and implemented pursuant to research, findings, reports, and goals resulting from the “1000 Person Plan” report received by Council. This action is in fidelity to elements of the 2018 EveryOne Home Plan to End Homelessness adopted by Council on March 12, 2019, that clearly states at pg. 13, “Proposed Actions,” that protection of the dignity of people experiencing homelessness requires municipalities to repeal or stop enforcing policies that criminalize homelessness, and instead develop a humane and consistent response to the needs of unsheltered people.

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: M/S/C (Arreguin/Harrison) to accept supplemental material from Mayor Arreguin on Item 45.

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

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:10 p.m.

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

Action: 7 speakers. M/S/C (Arreguin/Hahn) to take no action on Item 45.

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

Councilmember Davila absent 11:07 p.m. – 11:10 p.m.

Councilmember Droste absent 11:07 p.m. – 11:10 p.m.

Council Action Items

46. Referral to Public Works Commission to Rename Harold Way to “Dalai Lama Way”

From: Councilmembers Harrison and Davila

Recommendation: Referral to the Public Works Commission requesting changing the name of Harold Way to “Dalai Lama Way” in recognition of the Dalai Lama’s contributions to world peace and in recognition of the Buddhist community center at Harold Way.

Financial Implications: See report

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

Action: Item removed from the agenda by Councilmember Harrison.

Council Action Items

47. ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

(Continued from May 14, 2019)

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 6 speakers. M/S/C (Hahn/Harrison) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Harrison) to adopt Resolution No. 68,941–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal with the following findings and conditions:

- The Council finds that the four proposed additional units are part of a residential housing project that results in five or more dwelling units, and all eight units are therefore subject to the Inclusionary Housing Requirements for ownership units.
- A Condition of Approval will be added ensuring compliance with the Inclusionary Housing Requirements in BMC Chapter 23C.12. Specifically, that the applicant provide an inclusionary unit or pay the in-lieu fee in force at the time the fifth unit is sold, or alternatively, the fee in place at the time of Council approval, whichever is lower, for a total of 1.6 units. The condition of approval language, as provided by staff, will be added to the conditions of approval for the project.
- At the time of the sale of the fifth unit, the fee of units one through five will be calculated and assessed. The incremental fees on the sixth, seventh, and eighth units will be assessed pursuant to the City of Berkeley's practice.

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

Information Reports

48. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Received and filed.

Information Reports

49. **Information Technology: Digital Strategic Plan (DSP), FUND\$ Replacement, and Website Update**
From: City Manager
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Received and filed as revised in the Supplemental Communications Packet #1 to correct the dates on page 42 of the report to reflect “February 2019 through April 2019.”
50. **Update on Concerns about Informational Kiosks and Accessibility, Obstacles**
From: Commission on Disability
Contact: Dominika Bednarska, Commission Secretary, 981-6300
Action: Received and filed.

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

Adjournment

Adjourned at 11:10 p.m.

Communications

Encampments

1. Richard James
2. Beth Gerstein
3. Steven Donaldson
4. Matthew Williams
5. Camerson Woo

1155-1173 Hearst Avenue

6. Vijay Venugopal
7. Teal Major
8. Yashu Jiang (2)
9. Tracey Emerson
10. Mary Jo Thoresen
11. Mark Rhoades
12. Rain Sussman (3)

North Berkeley BART

13. Harvey Smith
14. John Rice
15. Tiger Girl
16. Linda Schmidt
17. Carlo Sequin

Disaster Training Funds

18. Bob Flasher

Traffic Circle

- 19. John Steere, on behalf of Berkeley Partners for Parks
- 20. Charlene Woodcock
- 21. Steve Finacom

West Campus Pool

- 22. Linda Worthman
- 23. Diane Tomkins
- 24. Tobie Lurie
- 25. Karen Teitel

1911 Harmon Street

- 26. Leonard Powell
- 27. Margy Wilkinson
- 28. Samuel Kohn, Chair of the Human Welfare and Community Action Commission
- 29. Igor Tregub, Chair of the Peace and Justice Commission

311 Customer Service

- 30. Matthew Williams
- 31. Kathy Cassidy (2)
- 32. Beth Gerstein

Fireworks

- 33. Richard Howard

Short Term Rentals

- 34. Margy Wilkinson (2)
- 35. Bill Burke

Panoramic Hill Construction

- 36. Ryan O'Kane
- 37. Heather Rudkin

Safe Car Park Program

- 38. Kelly Hammargren

Rent Stabilization Board

- 39. Evan Meyer

62nd and King

- 40. Adam Wilks

Rail Safety

- 41. Beth Gerstein

Climate Crisis

42. Walter Wood

Measure U1

43. Thomas Lord

Marina Parking Changes

44. Barbara Baccei

Mobility Systems

45. Kathi Pugh and Josh Maddox

Pedestrian and Bike Safety

46. Robin Kibby

47. Charlene Woodcock

Affordable Housing

48. Sophia DeWitt

Charter Schools

49. Zipporah Collins

Chemical Sensitivities Month

50. Juty Blue

Cashless Businesses

51. Cassia

52. Bob Stern

SB 50

53. Hannah Norman

GigCar Rideshare

54. Cynthia Brannvall

Decriminalize Nature

55. Jessica Behrman

Supplemental Communications and Reports 1**Item 30: Budget Referral: Increase Staffing Level of Transportation Division to Expedite City's Vision Zero Goal**

56. Kathi Pugh and Josh Maddox

Item 40: City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget

57. Suzanna Yeh, Rebuilding Together East Bay North (2)

58. Commission on the Status of Women

- 59. Pablo Diaz
- 60. Patrick Kennedy
- 61. Mary White
- 62. Carolyn Edwards
- 63. Liz Wiener

Item 47: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

- 64. Matthew Novak

Item 49: Information Technology: Digital Strategic Plan (DSP), FUND\$ Replacement, and Website Update

- 65. Supplemental materials, submitted by Information Technology Department

Supplemental Communications and Reports 2

Item 23: Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services

- 66. Steve Lustig on behalf of Berkeley Age-Friendly Continuum
- 67. Sasha Gayle-Schneider and Marty Lynch, on behalf of LifeLong Medical Care

Item 30: Budget Referral: Increase Staffing Level of Transportation Division to Expedite City's Vision Zero Goal

- 68. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 69. Kathi Pugh and Josh Maddox

Item 37: Support for SB 212 (Ranked Choice Voting) and SB 641 (Special Elections: Rank Choice Voting)

- 70. Revised material, submitted by Councilmember Robinson

Item 39: Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #2

- 71. Supplemental material, submitted by Councilmember Droste
- 72. Rick Herbert (2)
- 73. Jonathan Love
- 74. Phyllis Horneman
- 75. Dean Metzger, on behalf of Claremont Elmwood Neighborhood Association (CENA)
- 76. Shirley Dean

Item 44: Tax Exemption on Federal Research Grants

- 77. Jill Fuss, on behalf of CinderBio and Wesley M. Jackson, on behalf of Valitor

Item 45: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), "Miscellaneous Use of Streets and Sidewalks" / "Shared Sidewalk Policy" until a homeless response system is designed, created and implemented as stated in the "1000 Person Plan."

- 78. Berkeley Citizens Action Steering Committee

Supplemental Communications and Reports 3

Item 32: Resolution in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente

- 79. Jeffrey A. Collins, on behalf of Kaiser Permanente
- 80. Rebecca Rozen, on behalf of Hospital Council

Item 39: Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #2

- 81. Ray Yep
- 82. Kathy Labriola
- 83. Jon Love
- 84. Unknown

Item 44: Tax Exemption on Federal Research Grants

- 85. Gino Segre

Item 45: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), “Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” until a homeless response system is designed, created and implemented as stated in the “1000 Person Plan.”

- 86. Supplemental material, submitted by Mayor Arreguin
- 87. Moni Law

Item 47: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

- 88. Presentation, submitted by Planning and Development Department
- 89. Genna Yarkin, on behalf of 1444 Fifth Street LLC
- 90. Rachel Doughty

Strategic Plan

- 91. Dee Williams-Ridley, City Manager