

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, June 11, 2019
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 6:58 p.m.

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

Absent: Davila

Councilmember Davila present at 7:00 p.m.

Ceremonial Matters:

1. Recognition of Susan Hodge
2. Recognition of Hannah and Friends Bikeathon
3. Presentation: East Bay Municipal Utility District

City Manager Comments: None

City Auditor Comments:

The City Auditor presented the findings of Fire Prevention Inspections audit to the City Council.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

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

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

Vote: All Ayes.

Consent Calendar

- 1. Tax Exemption on Federal Research Grants**
From: Mayor Arreguin
Recommendation: Adopt a second reading of Ordinance No. 7,655-N.S. 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.
First Reading Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted second reading of Ordinance No. 7,655-N.S.
- 2. Grant from the William and Flora Hewlett Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$20,000 grant from the William and Flora Hewlett Foundation for an assessment of arts space affordability challenges, displacement risks and possible strategies to protect affordable spaces for arts organizations, artists and cultural workers in the City of Berkeley.
Financial Implications: \$20,000 (grant)
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,943–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 11, 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.
- 4. FY 2020 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1729 (17.29 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,656–N.S. Second reading scheduled for June 25, 2019.

Consent Calendar

- 5. FY 2020 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0393 (3.93 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,657–N.S. Second reading scheduled for June 25, 2019.
- 6. FY 2020 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency services for the disabled at \$0.01638 (1.638 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,658–N.S. Second reading scheduled for June 25, 2019.
- 7. FY 2020 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for Business License Tax on large non-profits at \$0.6420 (64.20 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,659–N.S. Second reading scheduled for June 25, 2019.
- 8. FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,660–N.S. Second reading scheduled for June 25, 2019.

Consent Calendar

- 9. FY 2020 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,661–N.S. Second reading scheduled for June 25, 2019.
- 10. FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300; David Brannigan, Fire, 981-3473
Action: Adopted first reading of Ordinance No. 7,662–N.S. Second reading scheduled for June 25, 2019.
- 11. FY 2020 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0150%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,663–N.S. Second reading scheduled for June 25, 2019.
- 12. FY 2020 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0092%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,664–N.S. Second reading scheduled for June 25, 2019.

Consent Calendar

- 13. FY 2020 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0075%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,665–N.S. Second reading scheduled for June 25, 2019.
- 14. FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0062%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,666–N.S. Second reading scheduled for June 25, 2019.
- 15. FY 2020 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300; Elliot Warren, Library, 981-6100
Action: Adopted first reading of Ordinance No. 7,667–N.S. Second reading scheduled for June 25, 2019.
- 16. Temporary Appropriations FY 2020**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2019, until the effective date of the FY 2020 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 68,944–N.S.

Consent Calendar

- 17. Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$56,000 for the period July 1, 2019 through June 30, 2020 for the placement of AmeriCorps members.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,945–N.S.
- 18. Contract: Berkeley Unified School District for Workplace Skills Training for YouthWorks Employment Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole-source expenditure contract and any needed amendments or extensions with the Berkeley Unified School District (BUSD) to provide workplace skills training to prepare YouthWorks participants for summer employment in an amount not to exceed \$26,694 for the period June 12, 2019 through August 31, 2022.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,946–N.S.
- 19. Request for Proposals to Sell Single Family Home at 1654 Fifth Street to Operate as Homeless Housing**
From: City Manager
Recommendation: Direct the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Approved recommendation.
- 20. Contract No. 9149B Amendment: Advantel Networks assignment to ConvergeOne and for Voice Over IP (VoIP) Telephone System Support and Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9149B with ConvergeOne (formerly Advantel Networks) for Voice Over IP (VoIP) telephone system licensing and maintenance, increasing the contract by \$121,538 for a total not to exceed amount of \$1,509,038, from November 15, 2012 to June 30, 2020.
Financial Implications: See report
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,947–N.S.

Consent Calendar

21. **Contract: NEXGEN Asset Management for Computerized Maintenance Management System & Enterprise Asset Management (CMMS/EAM) System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with NEXGEN Asset Management for software hosting, implementation, maintenance and related services for a Computerized Maintenance Management System and Enterprise Asset Management (CMMS/EAM) system, for an amount not to exceed \$1,017,509 for the period commencing on July 12, 2019 through June 30, 2024.
Financial Implications: Various Funds - \$1,017,509
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,948–N.S.
22. **Contract No. 10350 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the term to June 30, 2021 and increasing the contract by \$100,000 for a total contract amount not to exceed \$150,000.
Financial Implications: Various Funds - \$100,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,949–N.S.
23. **Contract: Gallagher & Burk, Inc. for Measure T1 Street Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Measure T1 Street Improvements, Adeline Street, Hearst Avenue and Milvia Project, Specification No. 19-11278-C; accepting the bid of Gallagher & Burk, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$4,065,906.
Financial Implications: Various Funds - \$4,065,906
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,950–N.S.

Consent Calendar

- 24. Contract: GHD for Preparation of a Sanitary Sewer Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, and any amendments and extensions with GHD in an amount not to exceed \$940,000 to provide consultant services for the preparation of a Sanitary Sewer Master Plan for the period July 1, 2019 through June 30, 2022.
Financial Implications: Sewer Capital Program Fund - \$940,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,951–N.S.
- 25. Contract: Zonar Systems, Inc. for Global Positioning System Telematics Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zonar Systems, Inc. for software hosting, installation of hardware, implementation, maintenance and related services for a global positioning system, for an amount not to exceed \$278,698 for the period commencing on July 12, 2019 through June 30, 2024.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,952–N.S.
- 26. Purchase Orders: National Auto Fleet Group for Ten Toyota Prius Prime Plus (PHEV) Sedans**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for ten (10) new 2020 Toyota Prius Prime Plus Sedans with National Auto Fleet Group in an amount not to exceed \$296,475.
Financial Implications: Various Funds - \$296,475
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,953–N.S.
- 27. Amending the Commissioners' Manual Regarding Submission of Revised or Supplemental Agenda Material**
From: Open Government Commission
Recommendation: Adopt a resolution revising the Commissioners' Manual to require commissioners and board members be subject to the same procedures as the general public.
Financial Implications: None
Contact: Emma Soichet, Commission Secretary, 981-6950
Action: Approved recommendation.

Consent Calendar

28. **Resolution: No U.S. intervention in Venezuela** *(Continued from May 14, 2019. Item contains revised material)*
From: Peace and Justice Commission
Recommendation: Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.
Financial Implications: None
Contact: Bre Slimick, Commission Secretary, 981-7000
Action: Adopted Resolution No. 68,954–N.S.
Vote: Ayes – Davila, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Hahn, Droste.
29. **Fire Prevention Inspections: Insufficient Resources Strain Code Compliance**
From: Auditor
Recommendation: We recommend City Council request that the City Manager report back by December 3, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department. They have agreed to our findings and recommendations. Please see report for management’s response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, 981-6750
Action: Approved recommendation.

Council Consent items

30. **Support AB 1487 – Housing Alliance for the Bay Area**
From: Mayor Arreguin, and Councilmembers Harrison, Robinson, and Bartlett
Recommendation: Adopt a Resolution in support of AB 1487 (introduced by David Chiu) and to seek amendments from the author. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and David Chiu.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,955–N.S.

Council Consent Items

- 31. Measure O Affordable Housing Bonds and a Request for Proposals from the City's Housing Trust Fund** *(Reviewed by the Land Use, Housing & Economic Development Committee)*
From: Mayor Arreguin, and Councilmembers Harrison, Hahn, and Droste
Recommendation: Adopt a Resolution: 1. Directing the City Manager to prepare any documents required to use Measure O bond funds and Housing Trust Funds to fulfill existing funding reservations for the Berkeley Way and 1601 Oxford affordable housing projects; and 2. Directing the City Manager to release a Request for Proposals (RFP) under the City's Housing Trust Fund (HTF) guidelines for affordable housing development with a priority given to projects meeting certain readiness criteria, to be funded by the balance of the first issuance of Measure O funds (estimated at \$30M) and the Housing Trust Fund that remain after fully funding the projects identified above; and 3. Directing the Measure O Bond Oversight Committee: a. To act in any role specified for the Housing Advisory Commission in the HTF Guidelines for the purpose of this RFP for both Measure O and existing HTF funds, b. To be responsible for providing both general priority recommendations and project-specific funding recommendations for Measure O bonds to the City Council; and c. To add the Housing Advisory Commission's Chair to the committee as an ex-officio, non-voting member; and 4. Approving certain waivers of the HTF Guidelines to ensure timely funding awards in this funding round and allow for consideration of a Berkeley Unified School District-sponsored educator housing development serving households at up to 120% of Area Median Income.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,956–N.S. amended to revise recommendation 3.b to read "To be responsible for providing both general priority recommendations and project-specific funding recommendations for Measure O bonds to the City Council to be based on clearly stated objective criteria to be developed by the Oversight Committee, such as consideration of project readiness, geographic diversity, population served, and other appropriate factors to be determined by the Committee."
- 32. Prioritizing Transit Improvements at MacArthur Maze**
From: Mayor Arreguin
Recommendation: Adopt a Resolution requesting transit priority improvements to mitigate congestion associated with the MacArthur Maze Vertical Clearance Project.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No. 68,957–N.S.

Council Consent Items

- 33. Oppose AB 56 – Centralizing Energy Procurement**
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Adopt a Resolution opposing AB 56 (authored by Assemblymember Eduardo Garcia). Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Eduardo Garcia.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,958–N.S.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.
- 34. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**
From: Mayor Arreguin and Councilmember Harrison
Recommendation:
1. Adopt an Ordinance repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project; and
2. Direct the City Manager to include standard conditions of approval for zoning permits requiring compliance with the Wage Theft Prevention Ordinance, BMC Chapter 13.104.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Droste and Councilmember Kesarwani added as co-sponsors. 1. Adopted first reading of Ordinance No. 7,668–N.S. Second reading scheduled for June 25, 2019. 2. Approved recommendation.
- 35. Opposition to Revision of Title X Family Planning Regulations Proposed by United States Department of Health and Human Services**
From: Councilmembers Davila and Harrison
Recommendation: Adopt a resolution in opposition of the revision of Title X Family Planning Regulations proposed by the U.S. Department of Health and Human Services. The City Clerk is to mail a copy of the resolution to Alex M Azar II, U.S. Secretary of Health and Human Services and to the President of the United States.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 68,959–N.S.

Council Consent Items

- 36. Budget Referral: Funding for Berkeley Drop-In Center**
From: Councilmembers Bartlett and Davila
Recommendation: Refer \$190,015 annually to the FY 2020 - FY 2021 Budget process to support the Berkeley Drop-In Center, a program of the Alameda County Network of Mental Health Clients.
Financial Implications: \$190,015
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 37. Budget Referral: Funding for Youth Spirit Artworks**
From: Councilmembers Bartlett and Davila
Recommendation: Refer \$198,000 annually to the Budget process to support Youth Spirit Artworks for the BUSD Homeless Student Program: \$55,000 to serve high school aged youth who are in school; the YSA Vocational Arts Program: \$65,000 to serve 130 Berkeley youth with job training services, and for the new YSA Tiny House Village Program: \$78,000 to case manage youth who are in transitional housing services.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 38. FY 2020-21 Budget Referral: Funding for Intercity Services**
From: Councilmembers Bartlett and Davila
Recommendation: That the City Council refer \$203,286 annually to the budget process to support the Intercity Services.
ICS' Workforce Services Proposal requested was for \$203,286; however, the Commission and the City Manager made a Joint Recommendation for \$101,351.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 39. Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison
Recommendation: Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.
Financial Implications: To be determined
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation amended to read, "Refer to the City Manager..."

Council Consent Items

- 40. Proclamation to Honor June as LGBTQ Pride Month and authorize City Manager to Fly the Rainbow Flag every year on the month of June**
From: Councilmembers Bartlett, Droste, and Mayor Arreguin
Recommendation: Adopt a proclamation to honor June as LGBTQ Pride Month in the City of Berkeley and authorize City Manager to fly the rainbow every year on the month of June.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Davila added as a co-sponsor. Adopted proclamation.
- 41. Strike Debt Bay Area's Medical Debt Relief Effort in Cooperation with RIP Medical Debt: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Harrison and Bartlett
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Kate Harrison, to Strike Debt Bay Area's Medical Debt Relief Effort (<https://secure.qgiv.com/event/strikedebtbayarea/>), in cooperation with and hosted by RIP Medical Debt, a 501(c)(3) tax-deductible non-profit corporation. Funds would be relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,960–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$150; Councilmember Harrison - \$250; Councilmember Hahn - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100.
- 42. Adopt a Resolution Opposing Anti-Abortion Bills Passed in 2019**
From: Councilmembers Hahn, Harrison and Wengraf
Recommendation: Adopt a Resolution Opposing anti-abortion bills passed in 2019 in Alabama, Mississippi, Ohio, Georgia, Missouri, Kentucky, Arkansas, Iowa, and Utah, and reaffirming the City of Berkeley's commitment to the fundamental right for women to choose whether, when, and how often to bear children.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,961–N.S.

Action Calendar

43. **Berkeley Art Center Artist Award Luncheon: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Hahn, to Berkeley Art Center, for the Annual Artist Award Luncheon on Sunday, June 23, 2019 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: Councilmember's Discretionary Funds - \$250
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 68,962–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$150; Mayor Arreguin - \$150; Councilmember Wengraf - \$150; Councilmember Harrison - \$100; Councilmember Robinson - \$100.

Action Calendar – Public Hearing

44. **FY 2020 Street Lighting Assessments**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 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 (Robinson/Davila) to close the public hearing.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Councilmember Harrison absent 8:50 p.m. – 8:56 p.m.
- Action:** M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,963–N.S. (District No. 1982-1), and Resolution No. 68,964–N.S. (District No. 2018).
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Recess 8:56 p.m. – 9:03 p.m.

Action Calendar

45a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

From: Housing Advisory Commission

Recommendation: Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

Financial Implications: Staff time

Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

Action Calendar

45b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants From: Peace and Justice Commission

Recommendation: The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

Financial Implications: See report

Contact: Bre Slimick, Commission Secretary, 981-7000

Action Calendar

45c. Companion Report: Commission Recommendations Regarding Code Enforcement and Mr. Leonard Powell

From: City Manager

Recommendation: The City Manager appreciates the concerns identified by the Peace & Justice Commission and Housing Advisory Commission regarding the effects of code enforcement actions on low-income homeowners, including Mr. Powell. The City Manager believes that current City policies, practices and records demonstrate the proper mechanisms are in place to ensure the outcomes each commission wishes and that additional recommendations are not needed. City staff have worked extensively with Mr. Powell and the receiver to facilitate Mr. Powell's ability to maintain ownership and reside in his property.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000; Kelly Wallace, Housing and Community Services, 981-5400

Action: 21 speakers. M/S/C (Bartlett/Harrison) to:

- 1) Refer Items 45a and 45b to the Health, Life Enrichment, Equity and Community Committee.
- 2) Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council.
- 3) Request an analysis of receivers and conservators by the City.
- 4) Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

Vote: All Ayes.

Action Calendar – Public Hearings

46. Zoning Ordinance Amendments that apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership *(Continued from April 30, 2019)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments that modify Inclusionary Housing Requirements (BMC Section 23C.12.020: Applicability of Regulations) to apply to new residential development projects on contiguous lots under common ownership or control.

Financial Implications: See report

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

Action: Item removed from the agenda by the City Manager.

Action Calendar

47. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 *(Continued from May 14, 2019)*

From: Councilmember Davila

Recommendation: Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.

Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Harrison) to hold over Item 47 to June 25, 2019.

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

Councilmember Wengraf absent at 11:28 p.m.

Councilmember Droste absent at 11:28 p.m.

Action Calendar

**48. City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget
From: City Manager**

Recommendation: Provide comments on the FY 2020 & FY 2021 Proposed Biennial Budget.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Mayor Arreguin on Item 48.

Vote: All Ayes.

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

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

Action: M/S/C (Arreguin/Bartlett) to suspend the rules and extend the meeting to 11:45 p.m.

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

Councilmember Davila absent at 11:27 p.m.

Action: Discussion held.

49. City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget (Continued from May 28, 2019)

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: See Item 48.

Information Reports

Information Reports

- 50. Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Referred to the Agenda and Rules Committee for scheduling.
- 51. Animal Care Commission 2019 Work Plan**
From: Animal Care Commission
Contact: Amelia Funghi, Commission Secretary, 981-6600
Action: Received and filed.
- 52. FY 2019-20 Commission on the Status of Women Work Plan**
From: Commission on the Status of Women
Contact: Shallon Allen, Commission Secretary, 981-7000
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speaker.

Adjournment

Action: M/S/C (Bartlett/Hahn) to adjourn the meeting.

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

Adjourned at 11:37 p.m.

Communications

Item 10: FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

1. Disaster and Fire Safety Commission

Item 28: Resolution: No U.S. intervention in Venezuela

2. russbumper (3)

Item 39: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay

3. Margy Wilkinson, on behalf of Friends of Adeline

Item 50: Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance

4. Seema Rupani, on behalf of East Bay Community Law Center

Unsafe Intersection – University at Acton

5. Diana Maria Rossi

Traffic Circle at Fulton and Stuart

6. Pam Speich

Partnership with Dura Municipality Palestine

7. Ahmed A.H. Swaitti

Gotta Give Them Hope Event

8. John Bauters

Uncollected Garbage at 2110 Haste

9. Martin Alperen

Ban Waste Initiative

10. Sundaresh Begur

Safety Net Hospital

11. Fred Dodsworth

Mama Washington Event

12. Adriana Betti

BART Development

13. David Lerman

14. Marilyn Margulius

15. Judy Massarano

16. Meryl Siegal

17. Barbara Fisher

18. Berkeley Citizens Action Steering Committee

Living Trust Definition

19. Joann Sullivan

20. Julie Holcomb

Food Waste in Berkeley

21. Sophie Ciurlik Rittenbaum

East Bay Community Energy – Renewable Energy

22. Alan Gould

23. Jane Kelly

Citywide Siren System

24. Pam Speich

Berkeley Copwatch

25. russbumper

Full-Time City Council

26. Topher Brennan

Neighborhood Toxins

27. Janice Greenberg

Support of SB 276 – Vaccination Exemptions

28. Ty Alper, on behalf of Berkeley Unified School District Board of Education

People's Park

29. Carol Denney

30. Michael Fullerton

31. russbumper

Panoramic Hill Rehabilitation

32. Heather Rudkin

Treatment at Sutter's Alta Bates

33. Christine Cosgrove

Rosa Parks Elementary School Mock Trial

34. Ty Alper

Philadelphia Beverage Tax

35. Holly Scheider

5G Technology

36. Phoebe Anne Sorgen

West Campus Pool

37. Nancy Kalter-Dills

Homelessness

38. Jacquelyn McCormick

39. Donald Goldmacher

40. Matthew Williams

41. Pam Speich

42. russbumper

RVs at Berkeely Marina

43. Berkeley Citizens Action Steering Committee

Residential Preferential Parking (RPP) Program

44. Lynda Koolish

45. Aurora Arding

46. Vici Casana

Climate Disruption and Affordable Housing

47. Charlene M. Woodcock

Repaving of Roadways

48. David Lerman

Amazon Boycott

49. Raja Sutherland

Zero Carbon Retreat

50. Amanda Hutchins

A Healthy City for All

51. Suzanne H. Crowhurst Lennard

Restraint Devices

52. russbumper

Parking Enforcement Vehicles

53. Majorie Alvord

54. Teresa J. Paris

- 55. Colleen
- 56. Debi Clifford
- 57. Cynthia Papermaster
- 58. Shauna Haines
- 59. Sallie Hanna-Rhyne
- 60. Gael Alcock
- 61. Kelly Hammargren
- 62. Keith Johnson
- 63. Charlene M. Woodcock
- 64. Ravi Mikkelsen
- 65. Sarah Nelson
- 66. Wendy Bloom
- 67. Jane Scantlebury
- 68. Sydney Gillett
- 69. David Finley
- 70. Tom Kelly
- 71. Richard Walker
- 72. Mary Behm-Steinberg
- 73. Margo Schueler
- 74. Eleven form letters, submitted by Alicia Puzak, Wendy Alfsen, Sheila Goldmacher, Micky Duxbury, Julia Cato, Rachel Katz, Lori Hines, Ruth Morgan, Ned Himmel, Cecile Leneman, Donald Goldmacher
- 75. Three form letters, submitted by Kathy Labriola, Eric Svahn, Rick Lewis
- 76. Ten form letters, submitted by Leonard Pitt, Sandy Emerson, Vanessa Warheit, Linda Franklin, Jack Kurzweil, Fred Dodsworth, Helen Osborne, Janice Cecil, Margaret Norman, Liz Ozol

Supplemental Communications and Reports 1

Item 17: Contract: Bay Area Community Resources for the Placement of AmeriCorps Members

- 77. Revised material, submitted by Health, Housing, and Community Services Department

Item 48: City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget

- 78. Christine Mullarkey
- 79. Allison F. Walton
- 80. Jonathan Frisch
- 81. Colin Arnold

Supplemental Communications and Reports 2

Ceremonial Matters

Presentation: East Bay Municipal Utility District

- 82. Presentation, submitted the EBMUD

Item 28: Resolution: No U.S. intervention in Venezuela

- 83. Tom Luce
- 84. Russbumper

Item 37: Budget Referral: Funding for Youth Spirit Artworks

- 85. Kathy Barnhart
- 86. Kat Stenstedt
- 87. Susan Strong
- 88. Lynne D'Angelo
- 89. Robert Gannon
- 90. Liz Wiener
- 91. Russbumper
- 92. Elizabeth Moses Strain, on behalf of Strawberry Creek Monthly Meeting (Quaker)

Item 46: Zoning Ordinance Amendments that apply inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership

- 93. Supplemental materials, submitted by Councilmember Harrison
- 94. Memorandum, submitted by the City Attorney's Office

Item 48: City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget

- 95. Six form letters, submitted by Joshua Cofsky, Kristina McNaught, Amy Eisenberg, Teresa Clarke, Christine & Francine Schwartz, Patricia Sullivan.
- 96. Julian Redwood
- 97. Ben Gerhardstein

Supplemental Communications and Reports 3

Ceremonial Matters

- Presentation: East Bay Municipal Utility District**
- 98. EBMUD

Consent Calendar

Item 8: FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)

- 99. Presentation, on behalf of the Berkeley City Auditor

Item 14: FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)

- 100. Nicole Brown, on behalf of Resources for Community Development

Item 27: Amending the Commissioners' Manual Regarding Submission of Revised or Supplemental Agenda Material

- 101. Barbara Gilbert

Item 28: Resolution: No U.S. intervention in Venezuela

- 102. Diana Bohn
- 103. Mary Elieisar

Council Consent Items

Item 36: Budget Referral: Funding for Berkeley Drop-In Center

- 104. Noah Brast-McKie
- 105. Carol Denney

Item 37: Budget Referral: Funding for Youth Spirit Artworks

- 106. Moni Law
- 107. Mike Lee
- 108. 114 postcards in “support of”

Item 39: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay

- 109. Barbara Gilbert

Action Calendar

Item 45a: Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

- 110. Todd Darling
- 111. Larisa Cummings
- 112. Moni Law
- 113. Carolyn Park
- 114. Olivia deBree
- 115. Virginia Hollins-Davidson
- 116. Margy Wilkinson
- 117. Philip Maldari
- 118. Stephenie Blackmon
- 119. Laurel Hermes
- 120. J. Amelia Ellis
- 121. Erika Larson

Item 46: Zoning Ordinance Amendments that apply inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership

- 122. Timothy Burroughs, Director of Planning

Item 49: City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget

- 123. Mayor Arreguin

Miscellaneous Communications

Emissions Impossible

- 124. Grain.org