



Office of the City Manager

CONSENT CALENDAR
June 25, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of May 7, 2019 (two special closed and special), May 9, 2019 (special), May 11, 2019 (special), May 14, 2019 (special closed and regular), May 17, 2019 (special closed), and May 28, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. May 7, 2019—Special Closed City Council Meeting (4:30 p.m.)
2. May 7, 2019—Special Closed City Council Meeting (5:00 p.m.)
3. May 7, 2019—Special City Council Meeting
4. May 9, 2019—Special City Council Meeting
5. May 11, 2019—Special City Council Meeting
6. May 14, 2019—Special Closed City Council Meeting
7. May 14, 2019—Regular City Council Meeting
8. May 17, 2019—Special Closed City Council Meeting
9. May 28, 2019—Special Closed City Council Meeting
10. May 28, 2019—Regular City Council Meeting

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 7, 2019
4:30 P.M.**

School District Board Room – 1231 Addison Street, Berkeley, CA

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: 4:31 p.m.

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

Absent: Davila, Kesarwani

Councilmember Kesarwani present at 4:41 p.m.

Councilmember Davila present at 4:47 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Pending litigation – one case: People v. Leonard Felton Powell, Alameda County Superior Court Case No. RG15762567

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:46 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of May 7, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 7, 2019
5:00 P.M.**

School District Board Room – 1231 Addison Street, Berkeley, CA

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: 5:47 p.m.

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

Absent: None

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. Rideout matter -- Claim No.: 0360BC2018

Action: M/S/C (Droste/Wengraf) to approve the settlement in the Rideout matter: Claim No.: 0360BC2018 for \$237,000.

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

OPEN SESSION:

The City Council met in closed session and approved the settlement in the Rideout matter: Claim No.: 0360BC2018 for \$237,000.00.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:02 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of May 7, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, May 7, 2019

6:00 P.M.

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: 6:18 p.m.

Present: Davila, Droste, Hahn, Harrison, Robinson, Wengraf, Arreguin

Absent: Bartlett, Kesarwani

Councilmember Bartlett present at 6:20 p.m.

Councilmember Kesarwani present at 6:21 p.m.

Report from Closed Session

On May 7, 2019, the City Council met in closed session and approved the settlement in the Rideout matter: Claim No.: 0360BC2018 for \$237,000.00.

Worksession

1. FY 2020 and FY 2021 Proposed Budget

From: City Manager

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

Action: 7 speakers. Presentation made and discussion held including supplemental material from the City Manager in Supplemental Communications Packet #2 and distributed at the meeting.

Action: M/S/C (Arreguin/Wengraf) to accept revised material from the City Manager on Item 1.

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

Councilmember Kesarwani absent 6:59 p.m. – 7:03 p.m.

2. Presentation: Bond Disclosure Training

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action: 0 speakers. Presentation made and discussion held.

Adjournment

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

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

Councilmember Bartlett absent 8:37 p.m. – 8:53 p.m.

Adjourned at 8:53 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of May 7, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: FY 2020 and FY 2021 Proposed Budget

1. Supplemental material, submitted by the City Manager's Office

Supplemental Communications and Reports 3

Item #1: FY 2020 and FY 2021 Proposed Budget

2. Revised material, submitted by the Budget/CMO
3. Presentation, submitted by Budget/CMO
4. Ben Gerhardstein, on behalf of Walk Bike Berkeley

Item #2: Presentation: Bond Disclosure Training

5. Presentation, submitted by Jones Hall

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, May 9, 2019

6:00 P.M.

LONGFELLOW SCHOOL AUDITORIUM – 1500 DERBY STREET, BERKELEY, CA

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: 6:07 p.m.

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

Absent: Bartlett

Action Calendar

1. **Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site**

From: Mayor Arreguin and Councilmember Kesarwani

Recommendation:

1. Adopt the proposed North Berkeley BART Goals and Objectives to inform the development of a Memorandum of Understanding with BART and future project planning;
2. Direct the City Manager to engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities;
3. Refer to the Planning Commission to study development of zoning for the site, including feedback on the conceptual land use scenarios developed by City staff (as per direction of the January 15 Worksession).

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Arreguin/Hahn) to accept supplemental and revised materials from Mayor Arreguin and materials from Councilmember Hahn on Item 1

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Arreguin;

Noes – None; Abstain – Droste; Absent – Bartlett.

Action Calendar

Recess 8:16 p.m. – 8:38 p.m.

Action: 94 speakers. M/S/C (Arreguin/Kesarwani) to:

1. Adopt the proposed North Berkeley BART Goals and Objectives, as submitted by Mayor Arreguin and Councilmember Kesarwani at the May 9, 2019 meeting, and further revised as noted below, to inform the development of a Memorandum of Understanding with BART and future project planning;
2. Direct the City Manager to engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities; and direct that the MOU return to Council for adoption;
3. Refer to the Planning Commission to study development of zoning for the site, including feedback on the conceptual land use scenarios developed by City staff (as per direction of the January 15 Worksession).

Amendments to the Goals and Objectives:

North Berkeley BART Development Goals and Objectives

State law (AB 2923, Chiu) passed in 2018 requires the San Francisco Bay Area Rapid Transit District (BART) to develop transit-oriented development (TOD) zoning standards for each BART station, establishing minimum local zoning requirements for height, density, parking, and floor area ratio by July 1, 2020.

Prior to the enactment of AB 2923, the Berkeley City Council initiated a community process to explore the potential for transit-oriented development at the North Berkeley BART station. Creating homes at the North Berkeley BART parking lots will help the City of Berkeley address the shortage of affordable homes; reduce vehicle miles traveled and meet our climate change goals; and improve the livability of the surrounding neighborhood through the creation of green open space, pedestrian and bicycle infrastructure improvements; and possible small-scale community, non-profit, and/or retail uses.

AB 2923 requires local jurisdictions like Berkeley to adopt a local zoning ordinance that conforms to BART TOD zoning standards.

While the Berkeley City Council voted at its May 29, 2018 meeting to oppose AB 2923, the City Council recognizes that we now have an obligation to comply with the law. The Council is seeking to comply as soon as possible with AB 2923 for the purposes of developing the North Berkeley BART station in order to ensure that the community has a meaningful opportunity to engage with BART on how the site is developed.

~~The Berkeley City Council expresses its intent to zone the North Berkeley BART parking lot in accordance with AB 2923.~~

At the same time, the Berkeley City Council acknowledges the unique neighborhood characteristics of each BART station and expresses its intent to incorporate a station-specific design that is sensitive to the existing single-family (R-1) and two-family (R-2) residential zoning directly adjacent to the North Berkeley BART station.

The City of Berkeley seeks to enter into a Memorandum of Understanding with BART that enumerates, among other terms, the following goals and objectives for development:

Action Calendar

Community Input

A Community Advisory Committee shall be created for the purposes of providing input to the City's Planning Commission as it considers City and BART TOD zoning standards.

The planning process will engage the community in order to ensure that the site reflects the community's values for equity, sustainability, and sense of place. In particular, community input should be considered for: ~~the number of affordable below-market-rate units and populations to be served; the size, height, scale, spacing, and setbacks of buildings; the design of green open space; exploration of whether it's appropriate to include small-scale community, non-profit, and/or retail space to serve the immediate neighborhood, whether any parking should be provided for such uses, and consideration of the tradeoff of foregone housing units; parking needs; as well as design to promote bicycle and pedestrian safety.~~

- The number/percentage of affordable housing units and populations to be served, including the possibility of a 100% affordable project
- The size, height, scale, spacing, and setbacks of buildings, and their responsiveness to the neighborhood
- The inclusion of green and open spaces
- The possibility of limited, small-scale community, non-profit, and retail space to serve the immediate neighborhood
- exploration of whether it's appropriate to include small-scale community, non-profit, and/or retail space to serve the immediate neighborhood, whether any parking should be provided for such uses, and consideration of the tradeoff of foregone housing units
- Access options, including traditional modes such as public transit, taxis and private vehicles, active modes such as biking, walking and scooters, emerging modes such as car share, ride share, driverless cars, etc., and access for the disabled and mobility impaired.
- Green and sustainable features

Station Access

BART, the City of Berkeley, and a future developer(s) will address station access.

Specifically, Section 29010.6(h) of AB 2923 requires BART—in cases in which commuter parking is reduced as a result of a TOD project—to develop and fund an access plan that maintains station access for at least the number of customers affected by the reduced number of commuter parking spaces, with specific consideration for customers who live further than one-half mile from the station. A station access plan for implementation will seek to explore feasible and effective alternatives to individuals driving to and parking at the station, such as reserved parking spaces for carpools and car-share vehicles, ride-share, enhanced bus/shuttle service, additional electric-assist bikes and scooters, among other alternatives. We will also consider limiting or eliminating parking for residential and/or potential community, non-profit, or retail uses in order to maximize parking availability for commuters. We note that the station access plan should take into account the rapid evolution of mobility trends and technologies and consider the adaptability of the plan to future mobility patterns. Further, we intend to conduct a traffic study to help determine the number of parking spaces that are needed at the site, including reserved spaces for people with disabilities.

Action Calendar

In light of Berkeley's long tradition of leadership on issues related to the disabled and mobility impaired, access at the North Berkeley BART station should be first in its class, including consideration for access to and from the station itself, within the station, and to and from the BART platform.

All traditional modes should be considered: public transit, taxis, carpools and cars; all active modes including walking, biking and scooters; all emerging modes including car share, ride share, van pools and driverless vehicles; and all modes of accessibility for the disabled.

Affordability

Maximize the number of affordable below-market-rate units that are available to low-income households of diverse types and sizes, including affordable live/work units for artists. We seek to exceed BART's 35% system-wide affordability goal by aiming for a high number of affordable units—to potentially be funded by local, state, and regional funding sources. In order to ensure housing for a range of income levels, we will consider inclusionary below-market-rate units and engagement of an affordable housing developer to develop a fully affordable building.

We will seek to support the creation of local jobs through a project labor agreement for construction of the development.

We will engage in a community dialogue that is positive, productive, and thoughtful in regards to community benefits and financial feasibility.

Livability

Enhance the livability of the neighborhood surrounding the North Berkeley BART station. The site should create a visual and physical connection with the neighborhood through its architectural design, height, and scale. In particular, we seek a development that considers the character and context of the neighborhood and steps down in height around the perimeter of the station (with consideration for the varying width of streets around the station) in order to blend in visually and physically with the residential neighborhood. Such a design honors a common theme of many of the designs submitted as part of the October 2018 visioning event. We also seek reasonable spacing between buildings, setbacks, and plantings at the perimeter of the station.

The inclusion of green open space should serve as an amenity that enhances the neighborhood's sense of place.

The streetscape design should strive to minimize neighborhood traffic and congestion impacts and support safe access to the station for bicyclists and pedestrians. Transportation demand management and other best practices should be used to reduce traffic and parking impacts in the surrounding neighborhood.

Environmental Sustainability

Reflect the City's commitment to reducing our carbon footprint in every possible way. All buildings should strive to: incorporate all-electric designs, achieve Zero Net Energy, and reduce parking for residents and retail to the maximum extent possible.

To ensure universal access, regardless of age or ability, Universal Design should be considered for all elements of housing and of all other private and public spaces.

Action Calendar

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

2. North Berkeley BART Guiding Design Principles and Conceptual Massing Scenarios

From: City Manager

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

Action: Presentation made. See action in Item 1.

Adjournment

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

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

Adjourned at 10:50 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of May 9, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #1: Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site

1. Michael Stevens
2. David Lerman
3. Nicole Chabot
4. Oliver Fross
5. Wendy Niles
6. Jerry Skrainar
7. Krista Denton
8. Laurie Stevens
9. Chris Gallo
10. Laura Flores
11. Diana Damonte
12. Jacqueliine Wilson

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site

13. Andrew Doran
14. Rick Storrs
15. Justin Randall
16. Carole Bennett-Simmons
17. John Smith
18. Ellen Goldblatt
19. Theo Posselt
20. Bill Woodcock (2)
21. Helen Vilett
22. Felicia Fields
23. William Goldsmith
24. Louise Goldberg-Friend
25. Melissa Weaver
26. Diane Tokugawa
27. Tamara Gurin
28. Anthony Somkin
29. Joy Carlin
30. Carole Rochlin
31. Stefano DeliaVigna
32. Robert Geldman
33. Claire Sherman
34. Pia Larrabee
35. Rob Wrenn
36. James Nelson
37. Rhoda Alvarez
38. Louise Brown
39. Francine Ostrem
40. Charlotte von der Hude
41. Kathy Skrainar
42. Carla and Dolph Rempp
43. Naomi Pearce
44. D. Resek
45. Patricia and Martin St. John
46. Sandra Kavanau
47. Ann Reidy
48. Ednah Beth Friedman
49. Lisa Fruchtman
50. Claire Broome
51. Julianne Pelaez
52. Tony and Judy Lepire
53. Sue von Baeyer
54. Meryl Siegal

55. Libby Lee-Egan
56. Elizabeth Strode
57. Carla Shapreau
58. Pamela Drake
59. Joan Garvin
60. Phyllis Olin
61. Karen
62. Bob Flasher
63. Wendy Ruebman
64. Fran Segal
65. Katharine Young
66. Josephine Maxon
67. Chris McKee
68. Margot Smith
69. Kamala Parks
70. Julia Zuckerman
71. Sara Rahimian
72. Diana Peinado
73. Kevin Powell
74. Joy Fletcher
75. John Blaustein
76. Judith Baker
77. Barbara Anscher
78. Devon Lake
79. Art Goldberg
80. Bohun Kinloch
81. Lynda Hurley
82. Nancy Rader
83. Alexander Brennen
84. Marsha Weintraub and Stuart Hellman
85. Charlene Woodcock
86. Kevin Dawson
87. Dorothy Walker

Supplemental Communications and Reports 3

Item #1: Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site

88. Supplemental material, submitted by Mayor Arreguin
89. Supplemental material, submitted by Councilmember Hahn
90. Presentation (N. Berkeley BART Study), submitted by Opticos
91. Blaine Merker
92. Thomas Lord
93. Christopher Sensening
94. Kelly Hammargren
95. Thomas Cline
96. Martin Dodd
97. Carolyn McMillan

- 98. Robert Leland Spragg
- 99. Jennie Nguyen
- 100. Diana Keena
- 101. Sara Dwight
- 102. Nathanael Johnson
- 103. Davide and Lauren Moore
- 104. Aaron Stein-Chester
- 105. Carol Lashof
- 106. Jeannette MacMillan
- 107. Barbara Gilbert
- 108. Sandra Liu
- 109. Eve Sweetser and Alex Madonik
- 110. Joan Grant
- 111. North Berkeley Neighborhood Association

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

SATURDAY, MAY 11, 2019

9:00 A.M.

David Brower Center – Tamalpais Room, 2150 Allston Way, Berkeley, CA 94704

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: 9:22 a.m.

Present: Kesarwani, Davila, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett, Harrison

Councilmember Harrison present at 11:26 a.m.

Public Comment – 1 speaker

Worksession:

1. City Council Development and Planning

- A. Welcome – Call Meeting to Order - Remarks by Mayor Arreguin
- B. Public Comment
- C. City Manager Comments and Introductions
- D. Review of Agenda & Meeting Objectives
- E. Learning About Council Member's Service to Berkeley
- F. High-Performance Governance & Council Norms
- G. Presentation: Berkeley Charter, Roles & Responsibilities
- H. Council Relations as a Body/With Staff/With Community
- I. Break for Lunch

Worksession (continued)

- J. Presentation: View From the Bridge
- K. 5 Year Vision & Critical Initiatives
- L. Brainstorm - Systems Realignment
- M. Wrap Up, Evaluations, and Closing Remarks – Council

Adjournment

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

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

Adjourned at 3:52 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of May 11, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: City Council Development and Planning

1. Supplemental material, submitted by the City Manager's Office
2. Presentation (Goals), submitted by the City Manager's Office
3. Presentation (Spreadsheet), submitted by the City Manager's Office

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY MAY 14, 2019
4:30 P.M.**

BUSD Board Room – 1231 Addison Street, Berkeley, CA

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: 4:34 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 4:44 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

Initiation of litigation – one case

The City Council will consider whether to initiate a lawsuit against the Regents of the University of California.

Action: No action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:39 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of May 14, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, May 14, 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: 6:08 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:10 p.m.

Ceremonial Matters:

1. Recognition of Affordable Housing Week
2. Recognition of the Celebration of Juneteenth

City Manager Comments:

1. Workshop on the new transfer station – West Branch Library, May 22, 5pm – 7pm
2. Luau at the Skate Park, May 18, 3pm – 7pm
3. Jazz at the Rose Garden, May 26, 3pm – 5pm

City Auditor Comments:

The City Auditor gave a presentation on the 911 Dispatch Audit findings in Item 28; Noted the creation of the pension trust in Item 5 and the added costs of the mental health transports in Item 6.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 28 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Bartlett) to accept revised material from Councilmember Harrison on Item 57.

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

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

Vote: All Ayes.

1. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

From: City Manager

Recommendation: Adopt second reading of Ordinance Nos. 7,645-N.S. and 7,647-N.S. amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses); and
4. Protect youth by restricting cannabis advertising within the city.

The ordinances would adopt BMC Chapter 12.21, amend Chapters 12.22 and 23C.25, and repeal Chapters 12.23, 12.25 and 12.27.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance Nos. 7,645-N.S. and 7,647-N.S.

2. Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE *(Reviewed by the Agenda and Rules Committee)*

From: Councilmembers Harrison, Davila, and Bartlett

Recommendation: Adopt second reading of Ordinance No. 7,650-N.S., the Sanctuary Contracting Ordinance, adding Chapter 13.104 to the Berkeley Municipal Code. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,650-N.S.

Consent Calendar

- 3. FlixBus Franchise Agreement for Long-Distance Bus Service**
From: City Manager
Recommendation: Adopt second reading of Ordinance 7,651-N.S. granting a franchise agreement between FlixBus, Inc. and the City of Berkeley to provide long distance bus service to the public.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,651-N.S.
- 4. Amendment: FY 2019 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,702 (gross) and \$19,746,430 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Adopted first reading of Ordinance No. 7,652–N.S. Second reading scheduled for May 28, 2019.
- 5. Contract: Keenan Financial Services to Establish, Maintain and Invest for an IRS Section 115 Trust Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Keenan Financial Services to establish a pension Section 115 trust that includes Keenan Financial Services providing trust administration, trustee/custodian, and investment advisory services for the Trust; and authorizing the City’s Plan Administrator to execute the legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to establish a Section 115 trust fund, establish the authority for the management of the Section 115 investments, develop investment policies for the Section 115 trust fund, and Select an initial model investment portfolio, from the choices provided.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 68,853–N.S.

Consent Calendar

6. **Contract: Falck for Mental Health Ambulance Transport Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Falck Northern California Corp (Contractor) to provide mental health related ambulance transportation (from July 1, 2019 to June 30, 2021, in an amount up to \$5,670,000, with an option to extend for two additional years, for a total contract amount not to exceed \$11,340,000.

Financial Implications: See report

Contact: David Brannigan, Fire, 981-3473

Action: Adopted Resolution No. 68,854–N.S.

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

7. **Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2020.

2. Foster Care Program in the projected amount of \$93,187 for FY 2020.

3. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2020.

4. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2020.

5. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2020.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,855–N.S. (Public Health), Resolution No. 68,856–N.S. (Foster Care), Resolution No. 68,857–N.S. (BHS & BTA), Resolution No. 68,858–N.S. (School Linked), and Resolution No. 68,859–N.S. (Tobacco Prevention).

Consent Calendar

8. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following eleven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$442,073 for FY 2020.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$336,000 for FY 2020.
3. Tuberculosis Control Program in the projected amount of \$14,000 for FY 2020.
4. Women, Infants and Children (WIC) in the projected amount of \$525,547 each year for Federal Fiscal Years 2020 through 2022 for a total of \$1,576,641.
5. Nutrition Education & Obesity Prevention (NEOP) Program, in the projected amount of \$161,207 for Federal Fiscal Years 2020 through 2022 for a total amount of \$483,621.
6. HIV/AIDS Surveillance in the projected amount of \$29,088 for Fiscal Years 2020 through 2022 for a total of \$87,264.
7. Sexually Transmitted Diseases (STD) Prevention and Control in the projected amount of \$6,230 each year for FY 2020 through 2022 for a total of \$18,692.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,860–N.S. (CHDP), Resolution No. 68,861–N.S. (Tuberculosis Control), Resolution No. 68,862–N.S. (WIC), Resolution No. 68,863–N.S. (MCAH), Resolution No. 68,864–N.S. (NEOP), Resolution No. 68,865–N.S. (HIV/AIDS Surveillance), and Resolution No. 68,866–N.S. (STD Prevention).

9. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$139,260 for April 1, 2019 to March 30, 2020.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,867–N.S.

Consent Calendar

- 10. Purchase Order with Carahsoft Technology Corporation: Using General Services Administration (GSA) Schedule for hardware, software, and services related to the Data Center Infrastructure Upgrade and Disaster Recovery Implementation** *(Reviewed by Budget and Finance Committee)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Carahsoft Technology Corporation for the purchase of server hardware, software, and related services for a data center upgrade and disaster recovery implementation, utilizing pricing established by the General Services Administration (GSA), for a total amount not to exceed \$1,678,953 for the period May 15, 2019 to June 1, 2024.
Financial Implications: Various Funds - \$1,678,953
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,868–N.S.
- 11. Contract No. 10934 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10934 with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$50,015 for a total not-to-exceed amount of \$75,014 from July 2, 2018 to June 30, 2021.
Financial Implications: IT Cost Allocation Fund - \$50,015
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,869–N.S.
- 12. Contract No. 9263B Amendment: SSP Data Products Inc. for Barracuda Backup Solution with Hosted Cloud Storage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9263B with SSP Data Products Inc. for the City's Barracuda Backup Solution with hosted cloud storage, increasing the amount by \$54,520, for a total contract amount not to exceed \$300,692 for the term May 15, 2013 through June 30, 2020.
Financial Implications: Cost Allocation Fund - \$54,520
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,870–N.S.

Consent Calendar

- 13. Contract No. 11012 Amendment: Granicus, Inc. for Video Streaming Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 11012 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$156,966 for a total not-to-exceed amount of \$207,646 from July 1, 2017 to June 30, 2022.
Financial Implications: Various Funds - \$156,966
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,871–N.S.
- 14. Contract No. 10734 Amendment: Towerstream, Inc. for Secondary Internet for Redundancy and Load Balancing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Towerstream, Inc. for redundant secondary internet services, increasing the contract amount by \$133,128 for a total not-to-exceed amount of \$172,000 from October 3, 2017 to June 30, 2022.
Financial Implications: Cost Allocation Fund - \$133,128
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,872–N.S.
- 15. Contract: Revolution Foods for Summer Food Service Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a one (1) year contract and any amendments with Revolution Foods to provide lunches and afternoon snacks to Berkeley youth for the City’s Summer Food Service Program for a total amount not to exceed \$90,000, for the period of June 1, 2019 through May 31, 2020, with options to execute up to four (4) additional one-year extensions not to exceed \$90,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$450,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,873–N.S.

Consent Calendar

- 16. Contract: Suarez & Munoz Construction, Inc. for Harrison Park – Gabe Catalfo Fields Renovation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Harrison Park – Gabe Catalfo Fields Renovation Project, Specification No. 19-11285-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Suarez & Munoz Construction, Inc.; and 3. 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, with Suarez & Munoz Construction, Inc., for the Harrison Park – Gabe Catalfo Fields Renovation project at 1100 Fourth Street, Berkeley, CA 94710, in an amount not to exceed \$531,300, which includes a contract amount of \$483,000 and a 10% contingency in the amount of \$48,300.
Financial Implications: Various Funds - \$531,300
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,874–N.S.
- 17. Waiver of Annual Marina Berth Fees for Non-Profits**
From: City Manager
Recommendation: Adopt a Resolution: 1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and 2. Approving the annual waiver of berth fees for the three groups for 2019.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,875–N.S.
- 18. Contract: Cratus, Inc. for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification No. 18-11183-C (Re-Issued); accepting the bid of Cratus, 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 \$2,908,377.
Financial Implications: Measure M Streets & Watershed GO Bond Fund - \$2,908,377
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,876–N.S.

Consent Calendar

19. Purchase Order: Municipal Maintenance Equipment, Inc. for Fifteen GO-4 Parking Enforcement Vehicles

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. in an amount not to exceed \$715,000 for fifteen GO-4 parking enforcement vehicles.

Financial Implications: Equipment Replacement Fund - \$715,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Moved to Action Calendar. 6 speakers. M/S/C (Wengraf/Arreguin) to adopt Resolution No. 68,877–N.S. authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. in an amount not to exceed \$715,000 for fifteen GO-4 parking enforcement vehicles.

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

Recess 8:41 p.m. – 8:54 p.m.

20. Declaration of Intent - FY 2020 Street Lighting Assessments

From: City Manager

Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 11, 2019 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2020 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,878–N.S. (District No. 1982-1) and Resolution No. 68,879–N.S. (District No. 2018).

21. Contracts: On-Call Construction and Project Management Services: Ghirardelli Associates, Inc., Park Engineering, Inc., and Quincy Engineering, Inc.

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services for capital improvement projects, each for a period of July 1, 2019 through June 30, 2022:

1. Ghirardelli Associates, Inc. for an amount not to exceed \$1,000,000.

2. Park Engineering, Inc. for an amount not to exceed \$1,000,000.

3. Quincy Engineering, Inc. for an amount not to exceed \$1,000,000.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,880–N.S. (Ghirardelli), Resolution No. 68,881–N.S. (Park), and Resolution No. 68,882–N.S. (Quincy).

Consent Calendar

22. Amendment to Grant Funding Agreement for Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C

From: City Manager

Recommendation: Adopt a Resolution accepting an amendment to the grant funding agreement between the City and the California Department of Transportation, Service Contract No. 75LX291, for the Gilman Railroad Pedestrian Crossing Safety Project to increase the amount from \$310,500 to \$473,000 and revise the expiration date from December 19, 2019 to December 31, 2020 and authorizing the City Manager to execute said amendment and any other associated necessary agreement.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,883–N.S.

23. Contract: Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Gilman Railroad Pedestrian Crossing Safety Project (“Project”), Specification No. 18-11244-C; 2. Accepting the bid of the lowest responsible bidder, ERA Construction Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with ERA Construction Inc. until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$377,764.

Financial Implications: Various Funds - \$377,764

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,884–N.S.

24. Purchase Order: National Auto Fleet Group for Eleven Ford Police Interceptor Utility

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven model year 2020 Ford Police Interceptor Utility with National Auto Fleet Group in an amount not to exceed \$770,000.

Financial Implications: Equipment Replacement Fund - \$770,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,885–N.S.

Consent Calendar

- 25. Board of Library Trustees Reappointment: Diane Davenport**
From: Board of Library Trustees
Recommendation: Adopt a Resolution Approving the Reappointment of Diane Davenport to the Board of Library Trustees (“BOLT”) for a second term of four years commencing May 16, 2019.
Financial Implications: None
Contact: Elliot Warren, Commission Secretary, 981-6100
Action: Adopted Resolution No. 68,886–N.S.
- 26. Declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley**
From: Community Health Commission
Recommendation: Adopt a resolution declaring every third Sunday in May to be Postpartum Justice Day in the City of Berkeley to support and encourage the needed work to achieve equity and justice in maternal health.
Financial Implications: None
Contact: Roberto Terrones, Commission Secretary, 981-5400
Action: Adopted Resolution No. 68,887–N.S.
- 27. Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan**
From: Disaster and Fire Safety Commission
Recommendation: We recommend that City of Berkeley immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County.
This installation should be accompanied by the following: - ongoing outreach and education so that the public will understand the meaning of the sirens and what to do when they hear a siren; - development of a holistic alert protocol, incorporating sirens as an additional option among the available suite of alerting methods; - staff training and drills on alerting procedures; - development of a testing and maintenance plan that will ensure the system is fully operational while avoiding unnecessary or excessive noise pollution in the City; - outreach to deaf and hard of hearing residents to encourage them to opt-in for alerting that meets their communication needs. This may include distributing weather radios or other in-home devices with accessibility options for people with disabilities.
This recommendation does not specify the number, type, or location of sirens; City staff should determine the most cost-effective system that achieves the goals described in this recommendation. This may include either mobile or fixed-location sirens.
Financial Implications: See report
Contact: Keith May, Commission Secretary, 981-3473
Action: Referred to the Public Safety Committee.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Consent Calendar

28. 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by November 19, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

Financial Implications: See report

Contact: Jenny Wong, Auditor, 981-6750

Action: Approved recommendation.

Council Consent Items

29. Support AB 539 – the Fair Access to Credit Act

From: Mayor Arreguin, and Councilmembers Hahn and Bartlett

Recommendation: Adopt a Resolution in support of AB 539, the Fair Access to Credit Act, authored by Monique Limón. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Monique Limón.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,888–N.S.

30. Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager’s Performance

From: Mayor Arreguin and Councilmember Harrison

Recommendation: Direct the City Manager to issue a Request for Proposal to contract with an experienced firm that will engage the City Manager and City Council in a performance evaluation of the City Manager’s performance. The process should begin in July 2019 following the scheduled approval of the Biennial Budget, and result in a process for ongoing updates and establish an annual evaluation schedule.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation as revised in Supplemental Communications Packet #2 to clarify the RFP process.

Council Consent Items

- 31. BOSS Rising Stars Gala Event: 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 \$100 from Councilmember Cheryl Davila, to support the Rising Stars Youth Leadership Gala Event (BOSS) May 31, 2019, 6-8PM, 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: Councilmember's Discretionary Funds - \$100
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,889–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Robinson - \$100.
- 32. Opposition to Revision of Title IX Sexual Harassment and Assault Regulations Proposed by U.S. Department of Education, Secretary Betsy DeVos**
From: Councilmembers Davila, Harrison, Hahn, and Wengraf
Recommendation: Adopt a resolution opposing the proposed revisions of Title IX regulations on gender and sex-based discrimination as proposed by Secretary DeVos of the United States Department of Education.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,890–N.S.
- 33. Resolution in Support of Charter Reform Assembly Bills**
From: Councilmembers Harrison and Bartlett
Recommendation: Adopt a resolution in support of Assembly Bills 1505, 1506, and 1507, which regulate charter schools and give public school boards more authority to resist privatization of schools. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 68,891–N.S.
- 34. Rebuilding Together Budget Referral**
From: Councilmembers Harrison and Wengraf, and Mayor Arreguin
Recommendation: Refer to the budget process a two-year allocation to fund Rebuilding Together East Bay-North from the General Fund according to the Housing Advisory Commission recommendations, with an evaluation after the first 18 months to determine whether the organization's fiscal reporting would be in compliance with CDBG reporting requirements were the organization to apply again.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

Council Consent Items

35. Acton and University Traffic Light Budget Referral

From: Councilmember Harrison

Recommendation: Refer to the budget process a one-time allocation for an overhanging street light at Acton and University

Financial Implications: See report

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

Action: Approved recommendation.

36. Sponsoring the 2019 Himalayan Fair

From: Councilmembers Hahn, Harrison, and Davila

Recommendation: Adopt a resolution approving the co-sponsorship by the City of Berkeley of the 2019 Himalayan Fair to be held at Live Oak Park on Saturday, May 18th and Sunday, May 19th, and approving the expenditure of an amount not to exceed \$300 per councilmember, including \$300 from Councilmember Hahn, to The Himalayan Fair for administrative fees, event production and advertising, 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, 981-7150

Action: Adopted Resolution No. 68,892–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$150; Councilmember Harrison - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Bartlett - \$100.

37. Supporting the Timely Implementation of the Buy Clean California Act and Reaffirming the City of Berkeley's Commitment to Reducing Embodied Energy in Building Materials

From: Councilmembers Hahn, Harrison, and Davila

Recommendation: Adopt a resolution supporting the timely implementation of the Buy Clean California Act (AB 262), and reaffirming the City of Berkeley's commitment to reducing embodied energy in building materials. Send copies of the resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, Governor Gavin Newsom, and senior leadership at the California Department of General Services.

Financial Implications: See report

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

Action: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 68,893–N.S.

Council Consent Items

- 38. Letter in Support of AB 38**
From: Councilmember Wengraf
Recommendation: Send a letter of support for AB 38 Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund (Wood) to Assemblymember Wood, with copies to Senator Skinner, Assemblywoman Wicks and Governor Newsom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Mayor Arreguin and Councilmembers Droste and Hahn added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #1.
- 39. Referral to the Budget Process: Increased Funding for Neighborhood Traffic Calming**
From: Councilmembers Wengraf, Harrison, and Droste
Recommendation: Refer to the Fiscal Year 2020/2021 Budget Process an increase in allocation for neighborhood traffic calming from the current 50 thousand dollars to 150 thousand dollars.
Financial Implications: \$100,000
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Kesarwani added as a co-sponsor. Approved recommendation.
- 40. Pronouncement of May 15th, 2019 as a Day of Bloody Thursday Remembrance and Commemoration of People's Park**
From: Councilmembers Robinson, Harrison, and Davila
Recommendation: Adopt a Resolution pronouncing May 15th, 2019, as a Day of Bloody Thursday Remembrance, on which the People of Berkeley and the world may reflect upon the continuing history of the People's Park and its significance for our present society.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 6, 981-7170
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 68,894–N.S.
- 41. Budget Referral: Missing Middle Housing Report**
From: Councilmembers Droste, Bartlett, Kesarwani, and Robinson
Recommendation: Refer to the budget process \$125,000 for consultant costs to complete the Missing Middle Housing Report, which was passed by City Council on April 23, 2019.
Financial Implications: \$125,000
Contact: Lori Droste, Councilmember, District 6, 981-7180
Action: Approved recommendation.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Action Calendar – Public Hearings

42. **Published Charges: Mental Health Clinical Services**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2019. Published Charges are effective July 1, 2018.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Wengraf) to close the public hearing.

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

Councilmember Harrison absent 8:54 p.m. – 8:56 p.m.

Action: M/S/C (Robinson/Droste) to adopt Resolution No. 68,895–N.S.

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

43. **Fees: Public Health Clinic Services**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Public Health Clinic services effective, July 1, 2019, and rescinding Resolution No. 68,449-N.S.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Wengraf/Droste) to adopt Resolution No. 68,896–N.S.

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

Councilmember Bartlett absent 8:56 p.m. – 9:05 p.m.

Action Calendar – Public Hearings

44. Ambulance User Fee Adjustment

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective September 1, 2018, for the Cities of Alameda, Albany, Berkeley, and Piedmont. The increase would be included as an updated addendum to the Ambulance Provider Agreement, rescinding Resolution 67,979–N.S.

Financial Implications: See report

Contact: David Brannigan, Fire, 981-3473

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Harrison) to close the public hearing.

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

Action: M/S/C (Droste/Wengraf) to adopt Resolution No. 68,897–N.S.

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

45. Selected Camp Program Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select camp programs and rescinding Resolution No. 68,450-N.S. and all amendatory resolutions.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Wengraf) to close the public hearing.

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

Councilmember Harrison absent 8:58 p.m. – 9:01 p.m.

Action: M/S/C (Wengraf/Droste) to adopt Resolution No. 68,898–N.S.

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

Action Calendar – Public Hearings

46. Selected Marina Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,451-N.S. and all amendatory resolutions.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Wengraf/Droste) to close the public hearing.

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

Action: M/S/C (Arreguin/Droste) to adopt Resolution No. 68,899–N.S.

Vote: All Ayes.

47. Land Use Planning Permit Fee Amendments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the fee schedule for Land Use Planning Fees to establish a new fee for land use applications that request streamlined approval, pursuant to Senate Bill 35 (approved by Governor in 2017).

Financial Implications: See report

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

Action: Referred to the Agenda and Rules Committee for future scheduling.

48. Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #1

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

Action: M/S/C (Arreguin/Wengraf) to accept supplemental and revised materials from the City Manager on Item 48.

Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 9 speakers.

M/S/C (Arreguin/Harrison) to close the public hearing.

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

Councilmember Wengraf absent 9:59 p.m. – 10:02 p.m.

Action Calendar – Public Hearings

49. One-Way Car Share – Transition from Pilot to Baseline Program

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution approving an ongoing One-Way Car Share program for the City of Berkeley, with an increase to administration fees that are commensurate with City administrative cost increases, and
2. Adopt the first reading of an Ordinance 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.

Financial Implications: The program pricing structure results in cost-neutrality.

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Robinson/Harrison) to close the public hearing.

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

Action: M/S/C (Harrison/Hahn) to:

1. Adopt Resolution No. 68,900–N.S.
2. Adopt first reading of Ordinance No. 7,653–N.S. Second reading scheduled for May 28, 2019.

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

Action Calendar – Public Hearings

50. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial;
2. Adopt a Resolution to expand and enhance the RPP Program, raising permit fees for cost neutrality while increasing parking enforcement staff and equipment to augment RPP enforcement, improving UC Berkeley home football game parking enforcement, allowing more residents to opt-in, and rescinding Resolution 68,344-N.S.;
3. Adopt a Resolution modifying parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish “Enhanced Fine Areas” to prohibit parking without a valid RPP permit in portions of RPP Zones B, D, F, G, and I; and install new RPP signs in zones B, D, F, G, and I to clearly indicate UC Berkeley home football game day parking prohibitions; and
4. Adopt a Resolution establishing a new Parking Fine Schedule, including parking fines of \$225 per violation of BMC 14.40.090 in new Enhanced Fine Areas on posted UC football game days, and rescinding Resolution No. 68,466-N.S.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

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

M/S/C (Arreguin/Droste) to close the public hearing.

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

Councilmember Wengraf absent 10:13 p.m. – 11:25 p.m.

Action: M/S/C (Arreguin/Harrison) to:

1. Adopt first reading of Ordinance No. 7,654–N.S. Second reading scheduled for May 28, 2019.
2. Recommendation #2 referred to the Agenda and Rules Committee for future scheduling
3. Adopt Resolution No. 68,901–N.S. (Modifying Parking Restrictions)
4. Adopt Resolution No. 68,902–N.S. (Parking Fine Schedule)

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

Action Calendar – Public Hearings

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

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

Action: Item continued to May 28, 2019.

Action Calendar – New Business

52a. Recommendations for a Fossil Fuel Free Berkeley

From: Energy Commission

Recommendation: The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

Financial Implications: Unknown

Contact: Billi Romain, Commission Secretary, 981-7400

52b. Companion Report: Recommendations for a Fossil Fuel Free Berkeley

From: City Manager

Recommendation: Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Items 52a and 52b referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee.

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

53a. Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Approve the SSBPPE Commission's recommendations and adopt thirteen (13) Resolutions authorizing the City Manager or her designee to enter

Action Calendar – New Business

into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$3,800,000 for FY 2020 and FY 2021 according to the schedule below and to also provide \$950,000 to the City of Berkeley Public Health Division (BPHD) during the same period to support administering and enhancing this program as approved by the Berkeley City Council as follows:

1. \$1,900,000 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2020 and FY 2021 to be disbursed as follows--\$950,000 for FY 2020 and \$950,000 for FY 2021.
2. \$285,000 total grant to the Ecology Center to implement For Thirst, Water First! program for FY 2020 and FY 2021 to be disbursed as follows--\$142,500 in FY 2020 and \$142,500 in FY 2021.
3. \$590,000 grant to Healthy Black Families to implement Thirsty for Change! (T4C) program for FY 2020 and FY 2021 to be disbursed as follows--\$295,000 in FY 2020 and \$295,000 in FY 2021.
4. \$30,000 grant to the Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program for FY 2020 and FY 2021 to be disbursed as follows: \$15,000 in FY 2020 and \$15,000 in FY 2021.
5. \$140,000 grant to the YMCA of the East Bay to implement the YMCA Diabetes Prevention (YDPP) program for FY 2020 and FY 2021 to be disbursed as follows: \$70,000 in FY 2020 and \$70,000 in FY 2021.
6. \$170,000 grant to the YMCA of the East Bay to implement the YMCA Healthy Me! program for FY 2020 and FY 2021 to be disbursed as follows: \$85,000 in FY 2020 and \$85,000 in FY 2021.
7. \$270,000 grant to Lifelong Medical Care to implement the Chronic Disease and Oral Health Prevention Project for FY 2020 and FY 2021 to be disbursed as follows: \$135,000 in FY 2020, and \$135,000 in FY 2021.
8. \$80,000 grant to Spiral Garden to implement the Spiral Gardens Community Food Security Project for FY 2020 and FY 2021 to be disbursed as follows: \$40,000 in FY 2020, and \$40,000 in FY 2021.
9. \$32,792 grant to Fresh Approach to implement the Veggie Rx Program for Healthy Foods and Beverages program for FY 2020 and FY 2021 to be disbursed as follows: \$16,396 in FY 2020, and \$16,396 in FY 2021.
10. \$135,880 grant to Bay Area Community Resources to implement the Healthy Options at Point of Sale program for FY 2020 and FY 2021 to be disbursed as follows: \$67,940 in FY 2020, and \$67,940 in FY 2021.
11. \$69,328 grant to Community Health Education Institute to implement the Artists Against Soda program for FY 2020 and FY 2021 to be disbursed as follows: \$34,664 in FY 2020, and \$34,664 in FY 2021.
12. \$97,000 grant to Berkeley Youth Alternatives to implement the Urban Agriculture and Team Nutrition Program for FY 2020 and FY 2021 to be disbursed as follows: \$48,500 in FY 2020 and \$48,500 in FY2021.
13. \$950,000 to the City of Berkeley Public Health Division (BPHD) to support the SSBPPE Commission and assist with outside evaluations to be disbursed as follows: \$475,000 in FY 2020 and \$475,000 in FY 2021 with 10% of those funds in both years designated for a media campaign.

Action Calendar – New Business

14. The Commission recommends that indirect or administrative expenses not exceed 15% of the program budget and that these funds not be used to supplant any other source of funding.

15. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

Financial Implications: See report

Contact: Dechen Tsering, Commission Secretary, 981-5300

53b. Companion Report: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

From: City Manager

Recommendation: Adopt the Sugar Sweetened Beverage Product Panel of Experts' (SSBPPE) funding recommendations and twelve (12) resolutions authorizing the City Manager to enter in contracts with the Berkeley Unified School District and the Community Based Organizations for FY2020 and FY2021 with the following caveats: 1) remove the City of Berkeley as a grantee and remove the resolution that is included as Resolution #12 in the SSBPPE Commission's Council report relating to the Public Health division, 2) adopt Resolution #13 in the SSBPPE Commission's Council report and amend the amount to be distributed as \$4.474 million, as was passed by Council on January 22, 2019, and 3) reduce all grantees' and the Public Health division allocations equally to reach the adopted figure (about 5%).

Financial Implications: See report

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

Action: Item 53a moved to the Consent Calendar to:

1. Adopt Resolution No. 68,903–N.S. (BUSD)
2. Adopt Resolution No. 68,904–N.S. (Ecology Center)
3. Adopt Resolution No. 68,905–N.S. (Healthy Black Families)
4. Adopt Resolution No. 68,906–N.S. (Multicultural Institute)
5. Adopt Resolution No. 68,907–N.S. (YMCA)
6. Adopt Resolution No. 68,908–N.S. (Lifelong)
7. Adopt Resolution No. 68,909–N.S. (Spiral Gardens)
8. Adopt Resolution No. 68,910–N.S. (Bay Area Community Resources)
9. Adopt Resolution No. 68,911–N.S. (Fresh Approach)
10. Adopt Resolution No. 68,912–N.S. (Berkeley Youth Alternatives)
11. Adopt Resolution No. 68,913–N.S. (Community Health Education Institute)
12. Adopt Resolution No. 68,914–N.S. (City of Berkeley Public Health)
13. Adopt Resolution No. 68,915–N.S. (Allocation for Grant Program)
14. Approved recommendation.
15. Approved recommendation.

Council Action Items

Council Action Items

54. Authorizing Additional Inclement Weather Shelter at Old City Hall from April 15, 2019-June 30, 2019

From: Councilmembers Davila, Harrison, and Hahn

Recommendation:

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from April 15, 2019 - June 30, 2019, to provide safe, indoor locations for our unhoused community during inclement weather, including changing the cold temperature to below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019, and possible program expansion in order to increase number of unhoused people served.

Financial Implications: See report

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

Action: Councilmember Bartlett added as a co-sponsor. Moved to Consent Calendar to approve the recommendation and adopt Resolution No. 68,917–N.S. to authorize the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019 and approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.

55. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021

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: Item 55 held over to June 11, 2019.

Council Action Items

56. **Contract: Berkeley Marina Area Specific Plan (BMASP) – Hargreaves Associates** *(Continued from April 30, 2019)*

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMASP) in an amount not to exceed \$1,101,000.

Financial Implications: Marina Fund - \$1,101,000

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

Action: M/S/Failed (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m. and hold over Items 55 and 57 to June 11, 2019.

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

Councilmember Bartlett absent 10:50 p.m. – 10:52 p.m.

Action: M/S/Carried (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m. and hold over Items 55 and 57 to June 11, 2019.

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

Action: M/S/Carried (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:25 p.m.

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

Action: 8 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,918–N.S. authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMASP) in an amount not to exceed \$1,101,000.

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

Councilmember Davila absent 11:13 p.m. – 11:25 p.m.

57. **Resolution: No U.S. intervention in Venezuela** *(Continued from April 30, 2019)*

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: Item 57 held over to June 11, 2019.

Council Action Items

Information Reports

58. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Referred to the Agenda and Rules Committee for scheduling as presentation before Council.
59. **Results of RFP for Availability Study for Affirmative Action in City Contracting (Berkeley Inclusion in Opportunity Index)**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Received and filed.
60. **Public Works Department Reaccreditation by the American Public Works Association**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
61. **Residential Preferential Parking (RPP) Program: Spring 2019 Update**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 6 speakers.

Adjournment

Adjourned at 11:25 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of May 14, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

1. Debby Goldsberry
2. Julia Varshavsky

Item #34: Rebuilding Together Budget Referral

3. Janice Greenberg
4. Nick
5. Susan Payne
6. Linda Novick
7. Ann Moghaddas

Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

8. Jennifer Hernandez & Genna Yarkin, Holland & Knight Attorneys
9. Greenfire Law, on behalf of the Oceanview Neighborhood Council's Appeal

Encampments

10. Parisa Jorjani
11. Richard at Coastodian.org (4)
12. Diana Bohn (2)
13. Marcia Poole
14. Margy Wilkinson

2245 Fifth Street & 2231 Fourth Street

15. Matt Taecker, Taecker Planning & Design

Small Businesses in West Berkeley

16. Matt Taecker, Taecker Planning & Design

Public Employees Union, Local One

17. Nicole Marti, on behalf of Local One

Dirty Needles at Point Reyes National Seashore

18. Richard at Coastodian.org

SB 50

19. Avram Gur Arye

Climate Change

20. Jane Kelly

Disruptive Council Meetings

21. Margy Wilkinson

Potholes

22. Dan

Bay Area Police Oversight Forum

23. Katherine Lee, Police Review Commission Officer

RV Dwellers

- 24. Richard Hartnell
- 25. Eric Friedman

Auto/Pedestrian Safety

- 26. David Lerman

LED Ceramic Street Lights

- 27. Sansi Tech

First Responders Training

- 28. Bob Flasher

People's Park Poem

- 29. Hali Hammer

West Campus Pool

- 30. Linda Worthman
- 31. Donna Mickleson

East Bay Community Energy Innovation Grant

- 32. East Bay Community Energy

Rent Board Commissioners

- 33. Jack Kurzweil

Bus Line Failure

- 34. Avram Gury Arye

Age-Friendly Action Plan

- 35. Linda Kincaid
- 36. Mary Behm-Steinberg

Measure O

- 37. Pam Speich
- 38. Geoffrey Lomax
- 39. Nick

1155-1173 Hearst Avenue

- 40. Wayne Cory
- 41. Yashu Jiang

Codornices Creek – Fire Foam

- 42. Susan Schwartz, on behalf of Friends of Five Creeks

Fire Safe Fiscal Sponsor

43. Bob Flasher

PY2019 Annual Action Plan Allocation of Federal Funds

44. Kaameelah Wesley

Sanctuary Contracting Ordinance

45. Eli Conley

Shortage of Affordable Quality Office Space

46. David Lerman

Evicting Undocumented Immigrants from Subsidized Housing

47. Gary Hicks

Dangerous Crosswalk at Camilia and 6th Street

48. Cecelia Mautner

Crime, Real Estate, Politics and Media

49. Terry Akins

Upcoming Meeting with HTT Steering Committee

50. Darinxoso Oyamasela

Berkeley Way Project Concerns

51. Parisa Jorjani

Bayside Unit 535-301

52. Pil Orbison

Supplemental Communications and Reports 1

Item #37: Supporting the Timely Implementation of the Buy Clean California Act and Reaffirming the City of Berkeley's Commitment to Reducing Embodied Energy in Building Materials

53. Igor Tregub

Item #38: Letter in Support of AB 38

54. Revised material, submitted by Councilmembers Wengraf and Hahn

Supplemental Communications and Reports 2

Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

55. Fried Wittman

Item #19: Purchase Order: Municipal Maintenance Equipment, Inc. for Fifteen GO-4 Parking Enforcement Vehicles

56. Rob Wrenn

Item #30: Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager's Performance

57. Revised material, submitted by Mayor Arreguin and Councilmember Harrison

Item #34: Rebuilding Together Budget Referral

58. Margy Wilkinson, on behalf of Friends of Adeline

Item #40: Pronouncement of May 15th, 2019 as a Day of Bloody Thursday Remembrance and Commemoration of People's Park

59. Avram Gur Arye

60. Carol Denney

Item #47: Land Use Planning Permit Fee Amendments

61. Hadley Dynak

Item #49: One-Way Car Share – Transition from Pilot to Baseline Program

62. David Eiseman

63. Brian Tremblay

64. Nancy Juette

65. Joel Tranter

Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

66. Jessica Blome, on behalf of Greenfire Law (2)

Item #27: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan

67. 65 Communications Submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #27: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan

68. Shirley Dean

Item #34: Rebuilding Together Budget Referral

69. Suzanna Yeh

Item #47: Land Use Planning Permit Fee Amendments

70. Scott Freedman

Item #48: Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #1

71. Supplemental material, submitted by Budget/City Manager's Office

72. Presentation, submitted by Budget/City Manager's Office

Item #49: One-Way Car Share – Transition from Pilot to Baseline Program

73. Presentation, submitted by the Transportation Division

74. Jason Haight, President of GIG Car Share

Item #50: Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

75. Presentation, submitted by the Public Works Department

76. Lucy Clarke

77. Ed Herzog

78. Chris Stehlik

79. Lisa Bullwinkel

80. Sally Nelson

81. Irene Rosenthal

82. Lisa Cain

83. J.J. Noire

84. Linda Calvin

85. Giancarlo Tucc-Berube

86. Sage Linda Spatz

87. Alfred Twu

88. Alex Oligny

89. Matthew Novak

90. Glomax

91. Pam Speich

92. Hawley Holmes

93. Jessica Behrman

94. Barbara Gilbert

95. Toni Casal

96. Dana Price

97. Mary Lee Noonan

98. Ellen Rodin

99. Cymbre Potter

Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

100. Sonja Trauss, on behalf of California Renters Legal Advocacy and Educational Fund

Item 53a: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

101. Angela McKee-Brown, on behalf for The Edible Schoolyard Project

102. Bonnie Christensen, Director of Nutrition Services

103. Jezra Thompson, Cooking & Gardening Program (Art Work)

Item #56: Contract: Berkeley Marina Area Specific Plan (BMASP) 0 Hargreaves Associates

104. Presentation, submitted by the Parks, Recreation & Waterfront Department

Item #57: Resolution: No U.S. Intervention in Venezuela

105. Revised material, submitted by Councilmember Harrison

Rebuilding Together – East Bay North

106. Rebuilding Together

Contract Number 9893B

107. Kelly Hammargren

Consider the Homeless

108. Consider the Homeless.org

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
FRIDAY, MAY 17, 2019
1:00 P.M.**

Cypress Room – 2180 Milvia Street, 1st Floor, Berkeley, CA

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: 1:07 p.m.

Present: Davila, Bartlett, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Harrison, Hahn

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

Pending litigation – one case

Case Name: Sullivan et al v. Bay Area Rapid Transit
Case Number: 3:17-cv-06051-WHA

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 1:47 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of May 17, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 28, 2019
5:00 P.M.

School District Board Room – 1231 Addison Street, Berkeley, CA
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: 5:06 p.m.

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

Absent: Wengraf

Councilmember Wengraf present at 5:15 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Robertson v. City of Berkeley, Alameda County Superior Court Case No. RG 17851346

Action: M/S/C (Wengraf/Hahn) to approve the settlement of Robertson v. City of Berkeley, Alameda County Superior Court Case No. RG 17851346 for \$150,000.

Vote: All Ayes.

- b. Jonathan and Sally Francis v. City of Berkeley, Alameda County Superior Court Case No. RG 17880940

Action: M/S/C (Wengraf/Harrison) to approve the settlement of 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.

Vote: All Ayes.

OPEN SESSION:

The City Council met in closed session and approved 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.

Adjournment

Action: M/S/C (Robinson/Droste) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:01 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of May 28, 2019 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
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.

This is to certify that the foregoing is a true and correct record of the regular meeting of May 28, 2019 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

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), FUNDS 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