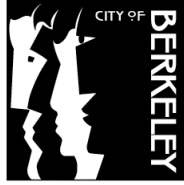


**REVISED AGENDA
(ADDED CONTINUED ITEMS FROM JULY 9, 2019)**



BERKELEY CITY COUNCIL MEETING

Tuesday, July 16, 2019

6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Recognition of Paul's Shoe Repair
2. Recognition of Ari Neulight

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder*

of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language**
From: City Manager
Recommendation: Adopt first reading of an Ordinance revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.
Financial Implications: General Fund - \$600
Contact: Mark Numainville, City Clerk, 981-6900
- 2. Contract: Gehl Studio for Civic Center Vision and Implementation Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$376,430, and any amendments thereto, with Gehl Studio Inc. for the Civic Center Vision and Implementation Plan (Specification No. 19-11286-C).
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530

Consent Calendar

3. Contract Amendment and Purchase Order No. 21902736 with Bellingham Inc. to Replace Additional Finger Docks at the Berkeley Marina

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract and Purchase Order No. 21902736 with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$215,000 for a not-to-exceed amount of \$324,335, and increasing the purchase order amount by \$200,000 for a not-to-exceed amount of \$300,000.

Financial Implications: See report

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

4. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

5. Updated Sewer System Management Plan

From: City Manager

Recommendation: Adopt a Resolution approving the update of the Sewer System Management Plan, as mandated by the State Water Resources Control Board.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

6. Approval and Levy of 2018 Clean Stormwater Fee in FY 2020

From: City Manager

Recommendation: Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2020.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Council Consent Items

- 7. Letter of Support for Senate Bill 806: The College for All Act**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Robinson and Davila
Recommendation: That the Mayor and Berkeley City Councilmembers support Senate Bill 806 (S.806) otherwise known as the College for All Act of 2017 and write a letter of support to Rep. Bernard Sanders and cosponsors of the bill. Senate Bill 806 would forgive over \$1.6 trillion of student loan debts, thereby releasing over 45 million Americans from student debt.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 8. Presentation by PG&E to City Council**
From: Councilmember Wengraf, Mayor Arreguin, and Councilmember Harrison
Recommendation: That the City Council receive a presentation from representatives of Pacific Gas & Electric (PG&E) concerning their Community Wildfire Safety Program and specifically the Public Safety Power Shutoff (PSPS) element of that program.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 9. Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**
From: Councilmembers Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Harrison
Recommendation: Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 10. Support for AB 302 (Parking for Homeless Community College Students)**
From: Councilmembers Robinson, Kesarwani, and Davila
Recommendation: Send a letter to Senator Skinner, Assemblymember Wicks, and Assemblymember Marc Berman supporting AB 302, which would include in the Education Code a requirement that community colleges provide overnight parking access to any enrolled homeless student, and request expansion of the bill to cover UCs and CSUs.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Council Consent Items

11. **Support for AB 1076 (Ting) - Automatic Relief of Criminal Records**
From: Councilmembers Robinson and Davila
Recommendation: Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

12. **Making Berkeley City Hall a Voting Center**
From: Councilmember Robinson, Mayor Arreguin, and Councilmember Davila
Recommendation: Refer to the City Manager to seek approval from the County Registrar of Voters and Secretary of State to make City Hall a voting center in time for the March 2020 statewide Primary under the California Voter's Choice Act, in order to offer more voter services to Berkeley residents, including same day voter registration.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action Calendar

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

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

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

Action Calendar – Continued Business

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

Action Calendar – Continued Business

- Ab. Companion Report to Peace and Justice Commission’s Resolution Asking to be an Assigned Advisory Role in Consulting on Socially Responsible Investments and Procurement** *(Continued from July 9, 2019.)*
From: City Manager
Recommendation: Continue to allow the City Council Budget and Finance Committee to provide investment policy oversight.
Financial Implications: See report
Contact: Dave White, City Manager's Office, 981-7000
- B. Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley’s Affordable Housing** *(Continued from July 9, 2019.)*
From: Mayor Arreguin, and Councilmembers Hahn, Harrison, and Robinson
Recommendation: Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the “Framework”) and return comments for consideration at a Special Meeting of the City Council in September, to inform a final version the City Council will adopt to govern Berkeley’s affordable housing policies, programs and projects through 2030.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- C. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 9, 2019. Item contains supplemental material.)*
From: Councilmembers Harrison, Davila, Bartlett, and Hahn
Recommendation:
1. Adopt an ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.
2. Refer to the November 2019 budget process for consideration of allocating up to \$273,341 per year from excess equity to fund a two-year position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Action Calendar – New Business

- 13. Annual Housing Pipeline Report**
From: City Manager
Recommendation: Review and provide input on the data included in the Housing Pipeline Report.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Council Action Items

14. **Opportunity Zone Project Guidelines for the City Manager**
From: Councilmembers Bartlett, Harrison, Mayor Arreguin, and Councilmember Davila
Recommendation: Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts Venues; Civic Uses (Government Offices, Libraries, Schools, Public Safety); Public Open Space and Recreation Facilities; Health Care Services; Transportation Demand Management features; and Job training or employment opportunities.
The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones.
That City staff, working with non-profit organizations OR seeking technical assistance, develop a prospectus marketing community development projects in Berkeley's Opportunity Zones using the guidelines mentioned above, or any other tools to attract equitable investment in Opportunity Zones.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Information Reports

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

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use

permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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

and may be read at reference desks at the following locations:

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

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 11, 2019.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

### **RV Permitting**

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

### **Ashby BART Housing**

10. Teresa Clarke, on behalf of South Berkeley Now

### **5G**

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

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

18. Eden I&R

### **Sacramento and University Construction**

19. Jesse Goldberg (2)

### **Sea Level Rise**

20. Margot Smith

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

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

**STEM Future Foundation**

22. Clergy for STEM

**Microbond Initiative**

23. Giap Vu

24. Max Levine

25. DBGrow, Inc.

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

26. Heather McWhinney

27. Sam Kang

28. Sara Jo

29. Eric Perney

**Civic Arts Funding**

30. Janice Murota

31. Carol Lashof

**Tree Wells – Grow More Trees**

32. Nancy Bardach

**A Millisecond Left**

33. Donald Goldmacher

**West Campus Pool**

34. Summer Brenner

35. Gael

36. Stacey Singleton

37. Donna Mickleson

**No Fiscal Transparency**

38. Eric Friedman

39. Barbara Gilbert

40. Jessica Behrman

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

41. Unknown

**BHA Office Experience**

42. Steven Schuyler

43. William Watkins

**Adeline Corridor**

44. Friends of Adeline

**The Environment**

45. Donald Goldmacher

**Russbumer Dialogue**

46. Russbumer (12)

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

