



Office of the City Manager

CONSENT CALENDAR
October 29, 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 September 3, 2019 (special closed), September 10, 2019 (special closed and regular), September 17, 2019 (special closed and special) and September 24, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 3, 2019-Special Closed City Council Meeting
2. September 10, 2019-Special Closed City Council Meeting
3. September 10, 2019-Regular City Council Meeting
4. September 17, 2019-Special Closed City Council Meeting
5. September 17, 2019-Special City Council Meeting
6. September 24, 2019-Special Closed City Council Meeting
7. September 24, 2019-Regular City Council Meeting

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, SEPTEMBER 3, 2019

4:00 P.M.

2180 Milvia Street, Berkeley, CA – Redwood Room

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: 4:07 p.m.

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

Absent: Bartlett

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. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. Title of position to be filled: Director of Health, Housing & Community Services

Action: No action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6:

Negotiators: Dee Williams-Ridley, City Manager, David White, Deputy City Manager, LaTanya Bellow, Director of Human Resources, Andrew Greenwood, Chief of Police

Employee Organizations: Berkeley Police Association

Action: No action taken.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 5:37 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of September 3, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, SEPTEMBER 10, 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: 5:07 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 5:10 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 – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

Patrick D. Regan v. City of Berkeley, U.S.D.C. N.D. Cal. Case No. 19-cv-00611-JD

Action: M/S/C (Hahn/Robinson) to authorize the City Attorney to settle Regan v. City of Berkeley (US District Court No. 3:19-C-00611 JD) for \$35,000.

Vote: All Ayes.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

Jose Ribeiro v. City of Berkeley, Alameda County Superior Court case No. RG189282246

Action: M/S/C (Bartlett/Robinson) to authorize the City Attorney to settle Ribeiro v. City of Berkeley (Alameda County Superior Court Case No. RG RG18 928246) for \$70,000.

Vote: All Ayes.

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Regan v. City of Berkeley (US District Court No. 3:19-C-00611 JD) for \$35,000, and Ribeiro v. City of Berkeley (Alameda County Superior Court Case No. RG RG18 928246) for \$70,000.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:34 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of September 10, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 10, 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: 6:11 p.m.

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

Absent: None

Report from Closed Session:

The City Council met in closed session and authorized the City Attorney to settle Regan v. City of Berkeley (US District Court No. 3:19-C-00611 JD) for \$35,000, and Ribeiro v. City of Berkeley (Alameda County Superior Court Case No. RG RG18 928246) for \$70,000.

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Recognition of Dr. Rev. Robert L. McKnight Sr.
3. Recognition of the Berkeley Film Foundation
4. Adjourn in Memory of Bill Wilkins, Executive Director of Berkeley Housing Authority
5. Adjourn in Memory of Nicki Spillane, Former City Employee
6. Dru Howard, Community Activist
7. Donald Lee Warren, Berkeley Resident and Business Owner
8. Yulia Krashennaya and Daniel Garcia, Victims of the Santa Cruz Island Boat Fire

City Auditor Comments:

The City Auditor noted some of the issues raised in the Easy Does It audit and the contract on the agenda for technical assistance consulting to improve internal controls. The City Auditor noted the street paving report and questions about the contents of the report.

City Manager Comments:

1. The City received a grant from the state Office of Traffic Safety for bicycle and pedestrian safety programs.
2. The City recently concluded a very successful recruitment process for police officers.
3. Caltrans and the CHP will be conducting weekly clean-up operations on I-80.
4. The City is in the process of redesigning the website.
5. The Berkeley Visionary Awards are 9/16/19 at 5pm at the Freight and Salvage
6. Ride Electric Event on 9/15/19 at 11am at Civic Center Park

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 44 speakers.

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

Vote: All Ayes.

Recess Items

1. **Recess Item: Reject All Bids and Negotiate in the Open Market for the John Hinkel Park Improvement Project, Specification No. 19-11321-C**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate in the open market for the work associated with the John Hinkel Park Improvement Project, Specification No. 19-11321-C.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,061–N.S.

Consent Calendar

2. **Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,673-N.S. amending Berkeley Municipal Code sections 9.80.020 and 9.80.035, and adding sections 9.80.031 and 9.80.032 to prohibit the sale of flavored tobacco products, to require a minimum package size for cigars and little cigars, and to require a minimum price for certain tobacco products sold in the City.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950; Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted second reading of Ordinance No. 7,673-N.S.

Consent Calendar

- 3. Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12**
From: Fair Campaign Practices Commission
Recommendation: Adopt second reading of Ordinance No. 7,674-N.S. amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Emma Soichet, Commission Secretary, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,674-N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 9, 2019 (special closed and regular), July 16, 2019 (special closed and regular) and July 23, 2019 (special closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.
- 5. Contract No. 9754 Amendment: Konica Minolta Business Solutions, Inc. for Electronic Content Management System and Agenda Management and Workflow System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9754 with Konica Minolta Business Solutions, Inc. for software maintenance, and related services for OnBase, an Electronic Content Management System (ECMS) and agenda management and workflow system, to increase the not-to-exceed amount by \$175,000 for a total not to exceed amount of \$541,004 to pay for regular annual maintenance costs and version updates, and authorize annual renewals for maintenance services through September 18, 2024.
Financial Implications: General Fund - \$175,000
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,062–N.S.
- 6. 2019 Updated Commissioners' Manual**
From: City Manager
Recommendation: Adopt a Resolution approving the updated 2019 edition of the Commissioners' Manual to include the Council direction to enhance the requirements for the public availability of written materials distributed to the commission after the agenda packet is published, making additional clarifying, non-substantive corrections, and rescinding Resolution No. 68,487-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,063–N.S.

Consent Calendar

7. On-Call Graphic Design Services Contracts

From: City Manager

Recommendation: Adopt eight Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms for on-call graphic design and/or illustration services for a total contract period of three years:

1. Bess Design in an amount not to exceed \$75,000; and
2. Celery Design Collaborative in an amount not to exceed \$75,000; and
3. Finley Digital in an amount not to exceed \$75,000; and
4. Identafire in an amount not to exceed \$75,000; and
5. Kate Saker in an amount not to exceed \$75,000; and
6. lowercase productions in an amount not to exceed \$75,000; and
7. Pushcart Design in an amount not to exceed \$75,000; and
8. Uptown Studios in an amount not to exceed \$75,000.

Financial Implications: See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action: Adopted Resolution No. 69,064–N.S. (Bess Design); Resolution No. 69,065–N.S. (Celery Design); Resolution No. 69,066–N.S. (Finley Digital); Resolution No. 69,067–N.S. (Identafire); Resolution No. 69,068–N.S. (Kate Saker); Resolution No. 69,069–N.S. (lowercase productions); Resolution No. 69,070–N.S. (Pushcart Design); and Resolution No. 69,071–N.S. (Uptown Studios).

8. Resolution Recognizing the Importance of the 2020 Census

From: City Manager

Recommendation: Adopt a Resolution supporting Census 2020 and encouraging residents of the City of Berkeley to promote and complete the Census to ensure a fair and complete count.

Financial Implications: See report

Contact: Dave White, City Manager's Office, (510) 981-7000

Action: Adopted Resolution No. 69,072–N.S.

9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 10, 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: Various Funds - \$12,590,000

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

Action: Approved recommendation.

Consent Calendar

- 10. Purchase Order Agreements: Aramark Uniform Rental and Laundry Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to piggyback on the City of Fresno's competitively bid contract with Aramark Uniform Services for the provision to provide rental and laundering of uniforms, walk-off mats, towels, and miscellaneous items for various departments. Expenditures are projected to amount to \$64,178 in Year 1 (September 1, 2019 through December 31, 2019) and \$198,735 in Year 2 and \$205,134 in Year 3 through January 4, 2022 for a total not to exceed amount of \$468,047 during this 28 month period, subject to the City's annual budget appropriation process.
Financial Implications: Various Funds - \$186,530
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,073–N.S.
- 11. Toshiba Managed Printed Services – Participation in Cooperative Contract: Region 4 Education Service Center/Omnia Partners**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to piggyback off Region 4 Education Service Center Contract No. R171405 (hereinafter Region 4 Contract) and enter into annual Purchase Order agreements and any amendments with Toshiba Business Solutions Inc. (TBS) for the provision of citywide managed print and copy services. Expenditures are projected to amount to \$267,938 in FY2020, \$275,976 in FY2021, and \$284,255 in FY2022, for a total not to exceed amount of \$828,170 for three (3) years coverage, subject to the City's annual budget appropriation process.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,074–N.S.
- 12. Contract No. 010561 Amendment: Alameda County Network of Mental Health Clients / Berkeley Drop-In Center (BDIC) to Operate a Secure Storage Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 010561 with the Alameda County Network of Mental Health Clients / Berkeley Drop-In Center, adding \$50,000 in state Homeless Emergency Aid Program (HEAP) funding for a homeless storage locker program. This addition of \$50,000 will support eligible program-related activities for the period of one year and will increase the total not-to-exceed (NTE) amount of the existing contract to a revised amount of \$85,721.
Financial Implications: HEAP Funds - \$50,000
 Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,075–N.S.

Consent Calendar

- 13. Contract: Alameda County Public Health Department, Office of Dental Health to Provide Dental Services to the Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Alameda County in an amount not to exceed \$159,000 to provide dental services in Berkeley Unified School District for the period of July 1, 2019 through June 30, 2022.
Financial Implications: General Fund - \$53,000
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,076–N.S.
- 14. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO’s review.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item held over to October 15, 2019.
- 15. Authorization to use Measure E Reserves to Procure Consulting Services for Easy Does It**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to use Measure E reserve funds to procure a consultant and enter into any agreements to provide Easy Does It (EDI) with operational, management, and organizational culture consulting services for an amount not to exceed \$100,000 to ensure initial and sustained implementation of audit findings.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,077–N.S.
- 16. State Minimum Wage Increases: Camps’ Classification Salaries State Minimum Wage Increase – July 1, 2019 through June 30, 2022**
From: City Manager
Recommendation: Adopt a Resolution approving salary increases for certain Unrepresented Camp Classification salaries in Unit X1, for the period July 1, 2019 through December 31, 2020 pursuant to State of California Minimum Wage Order (MW-2019), and amending Resolution No. 68,534-N.S. (Salary).
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,078–N.S.

Consent Calendar

- 17. Berkeley Minimum Wage Increases: Salary Adjustments in accordance with Berkeley Minimum Wage Ordinance – July 1, 2019 through June 30, 2021**
From: City Manager
Recommendation: Adopt a Resolution approving salary increases for certain Unrepresented Classification salaries in Unit X1, for the period July 1, 2019 through June 30, 2020 pursuant to Berkeley Minimum Wage Ordinance, adopt future CPI-W increases through June 30, 2021 pursuant to Berkeley Minimum Wage Ordinance B.M.C. 13.99, and amending Resolution No. 68,534-N.S. (Salary).
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,079–N.S.
- 18. Presidio Networked Solutions Group, LLC: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement for Computer Hardware and Software Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Presidio Networked Solutions Group, LLC (“Presidio”) for the purchase of networking equipment hardware and software, utilizing pricing and contracts, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning September 10, 2019 to June 30, 2020 for an amount not-to-exceed (NTE) \$200,000.
Financial Implications: See report
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,080–N.S.
- 19. Contract No. 10414A Amendment: Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10414A with Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan, for a total not to exceed \$99,700 and for a total contract value of \$303,960 from September 14, 2016 to June 30, 2021.
Financial Implications: General Fund - \$99,700
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,081–N.S.
- 20. Donation: Memorial Bench at Cesar Chavez Park in memory of Robert J. and Charlotte C. Coomber**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Robert J. and Charlotte C. Coomber.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,082–N.S.

Consent Calendar

- 21. Contract: United Site Services of California, Inc. for Portable Toilet Rental and Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with United Site Services of California, Inc. in an amount not to exceed \$360,000 for a period of two years, with an option to extend for three 12-month periods for a total amount not to exceed \$900,000 to provide portable toilet services for rental and service of portable toilet units for the period October 1, 2019 through September 30, 2024.
Financial Implications: Various Funds - \$900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,083–N.S.
- 22. Contract: Rincon Consultants, Inc. for Southside Initial Study and Environmental Impact Report**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rincon Consultants, Inc. to prepare an Initial Study/Environmental Impact Report (IS/EIR) for Zoning Ordinance changes in the Southside area for an amount not to exceed \$192,000 for a period of 18 months.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,084–N.S. amended as follows:
- Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rincon Consultants, Inc. to prepare an Initial Study/Environmental Impact Report (IS/EIR) for Zoning Ordinance changes in the Southside area for an amount not to exceed \$192,000 for a period of 18 months. Consultant should take a comprehensive look at producing housing and affordable housing in the Southside area and that the Office of Economic Development and Telegraph BID be consulted during the process.*
- 23. Approval of match commitment letter for FEMA Hazard Mitigation Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds for a Hazard Mitigation Grant application for the Retrofit Grants program to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program.
Financial Implications: See report.
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,085–N.S.

Consent Calendar

- 24. Contract: DC Electric Group, Inc., for On-Call Electronic Traffic Calming Devices Maintenance Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with DC Electric Group, Inc., for the on-call general maintenance of electronic traffic calming devices for the period October 16, 2019 to June 30, 2024, with an option of up to three one-year extensions, for an amount not-to-exceed \$250,000.
Financial Implications: State Transportation Tax Fund - \$250,000
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,086–N.S.
- 25. Contract No. 10298 Amendment: C. Overaa & Co. for the Center Street Parking Garage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10298 with C. Overaa & Co. for the Center Street Parking Garage Project, increasing the contract amount by \$473,835 for a total amount not to exceed \$38,944,818.
Financial Implications: Off Street Parking Fund - \$473,835
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,087–N.S.
- 26. Contract No. 9082C Amendment: Northgate Environmental Management, Inc. for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9082C with Northgate Environmental Management, Inc. for on-call environmental consulting services, increasing the current contract by \$50,000 for a total contract amount not to exceed \$234,500.
Financial Implications: Various Funds - \$50,000
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,088–N.S.
- 27. Correction to Resolution No. 68,901-N.S. to Authorize Enhanced Fine Tow Zones on UC Berkeley Football Game Days**
From: City Manager
Recommendation: Adopt a Resolution re-establishing new parking restrictions on UC Berkeley football game days, correcting the inadvertent omission of Enhanced Fine tow zones in Resolution No. 68,901-N.S., and rescinding Resolution No. 68,901-N.S.
Financial Implications: None
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,089–N.S.

Consent Calendar

- 28. Agreement with East Bay Regional Park District for Drainage, Slope, and Maintenance Access Easements in Tilden Regional Park**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an agreement with the East Bay Regional Park District (EBRPD) for Drainage, Slope and Maintenance Access Easements at Tilden Regional Park.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 7,675–N.S. Second reading scheduled for September 24, 2019.
- 29. Green Infrastructure Plan Adoption**
From: City Manager
Recommendation: Adopt a Resolution adopting the City of Berkeley Green Infrastructure Plan, July 2019, submit the Plan to the SF Bay Regional Water Quality Control Board, and authorize the City Manager to amend the Green Infrastructure Plan as needed to adjust for changes in technologies, or changes in City priorities.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,090–N.S.
- 30. Referral Response: Proposed New BMC Ordinance Adding Chapter 9.26 Live Animal Sales – Disclosure Requirements**
From: Animal Care Commission
Recommendation: In lieu of approving the ordinance, encourage Berkeley live animal retailers to provide purchasers with information regarding the sourcing of their animals by utilizing one or two of the following designations describing the sourcing of the particular animal: ‘captive bred;’ ‘hobby breeder’ or ‘licensed breeder;’ ‘rescue;’ ‘wild caught;’ or ‘imported.’
Financial Implications: None
Contact: Amelia Funghi, Commission Secretary, (510) 981-6600
Action: Approved recommendation amended to refer to the City Manager to develop definitions for the new designations.

Consent Calendar

**31. Providing Wheelchair Charging Opportunities for Homeless Individuals
From: Commission on Disability**

Recommendation: Adopt a resolution directing appropriate city staff to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Staff is directed to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Request that staff assemble a policy to be reviewed and implemented.

Financial Implications: See report

Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300

Action: Approved revised recommendation as written below:

Refer to the City Manager to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Refer to the City Manager to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Refer to the City Manager to assemble a policy to be reviewed and implemented.

**32. Calling for State Action on Parking Enforcement Vehicle Emissions
From: Community Environmental Advisory Commission**

Recommendation: Refer to the City Manager to send the letter attached to the report, calling for the State of California to require 100% all-electric parking enforcement vehicles by 2030 or earlier, to Berkeley's elected State-level representatives and the Chair of the California Air Resources Board.

Financial Implications: See report

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Action: Approved recommendation.

Consent Calendar

33. Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan
(Reviewed by the Public Safety Committee)

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, (510) 981-3473

Action: Approved recommendation with a revised first sentence as follows:

Recommend that City of Berkeley explore evaluating locations to 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, and refer the item to the November budget discussion.

34. Reinstating October, 2019 Homeless Commission Meeting

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council reinstate the October, 2019 Homeless Commission meeting earlier relinquished in order to hold an additional meeting in February, 2019 to address community funding allocations.

Financial Implications: Staff time

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action: Approved recommendation.

Consent Calendar

35. 1281 University Avenue Request for Proposals

From: Housing Advisory Commission

Recommendation: Direct the City Manager to issue a Request for Proposals (RFP) for residential development at the City-owned site at 1281 University Avenue with a requirement that at least 50% of the on-site units to be restricted to 50% AMI or below households, with consideration given to accommodations that serve unhoused or homeless households, including nontraditional living arrangements such as tiny homes and that Council consider interim use for the site for housing purposes.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: Moved to Action Calendar. 3 speakers. M/S/C (Arreguin/Kesarwani) to approve the recommendation as revised below.

Vote: All Ayes.

Refer to the City Manager to issue a Request for Proposals (RFP) for residential development at the City-owned site at 1281 University Avenue with a requirement that 100% of the on-site units to be restricted to 80% AMI or below households with at least 10% at 50% AMI, with consideration given to accommodations that serve unhoused or homeless households, including nontraditional living arrangements such as tiny homes and that Council consider interim use for the site for housing purposes.

36. Spring 2019 Bi-Annual Report on Funding for Housing Programs

From: Housing Advisory Commission

Recommendation: Accept the Housing Advisory Commission's (HAC) recommendations for the allocation of U1 General Fund revenues to increase the supply of affordable housing and protect residents of Berkeley from homelessness.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: Referred to the Land Use, Housing, and Economic Development Committee.

37. Appointment of Andrea Prichett to the Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the appointment of Andrea Prichett to the Mental Health Commission, as a representative of the general public interest category, for a three year term beginning September 11, 2019 and ending September 10, 2022.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 69,091–N.S.

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

Consent Calendar

38. Resolution: Oppose U.S. Withdrawal from INF Treaty

From: Peace and Justice Commission

Recommendation: Adopt a resolution that calls on President Trump to rescind the U.S. notice of withdrawal from the Intermediate-Range Nuclear Forces Treaty (INF Treaty) and to continue to comply with and re-enter into the Treaty, calls on Congress to oppose U.S. withdrawal from the Treaty and to support resolution of U.S.-Russian disputes through mechanisms established by the Treaty, and calls on Representative Barbara Lee to support H.R. 1249, the INF Treaty Compliance Act of 2019.

Financial Implications: None

Contact: Bre Slimick, Commission Secretary, (510) 981-7000

Action: Adopted Resolution No. 69,092–N.S. as revised in Supplemental Communications Packet #1.

Council Consent Items

39. Support of AB 18 – Firearms Excise Tax

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

Recommendation: Adopt a Resolution in support of Assembly Bill (AB) 18, which would place a \$25 excise tax on the sale of firearms. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Marc Levine.

Financial Implications: None

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

Action: Adopted Resolution No. 69,093–N.S.

40. Sierra Club San Francisco Bay Chapter: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Mayor Arreguin and Councilmember Hahn

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Mayor Arreguin to the Sierra Club San Francisco Bay Chapter for sponsorship of the 2019 David Brower Dinner, a 501(c)(3) tax-deductible non-profit corporation. Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Funds - \$1,000

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

Action: Removed from the agenda by Mayor Arreguin.

Council Consent Items

41. Approval of One-Time Reimbursement for Sister City Visit to Gongju, Republic of Korea

From: Mayor Arreguin and Councilmember Robinson

Recommendation: Adopt a Resolution approving the reimbursement of travel expenses at up to \$6,000 from the discretionary Council Office Budgets of Mayor Arreguin and Councilmember Robinson for the purpose of visiting Berkeley's sister city, Gongju, Republic of Korea to officially commemorate the establishment of sister city relations.

Council approval of this one-time reimbursement is required under the Council Expense Reimbursement Policy (Resolution No. 67,992-N.S.) as the policy does not expressly allow reimbursement for international travel relating to city business.

Financial Implications: Mayor and Councilmember Discretionary Funds - \$6,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,094–N.S. as revised in the supplemental materials submitted at the meeting by Mayor Arreguin.

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

42. Berkeley Community Fund Annual Gala and Benefit Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Davila

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to support the Berkeley Community Fund Annual Gala and Benefit Event on September 28, 2019, 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 Fund - \$250
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 69,095–N.S. as revised in Supplemental Communications Packet #1 revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Harrison - \$100; Councilmember Hahn - \$200; Councilmember Bartlett - \$100.

Council Consent Items

- 43. Berkeley Youth Alternatives 1st Golf Tournament Supporting Education and Sports Activities: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to support the Berkeley Youth Alternatives 1st Golf Tournament Supporting Education and Sports Activities on September 30, 2019, 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 - \$250
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,096–N.S. as revised in Supplemental Communications Packet #1 revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$200.
- 44. Pavement of Derby Street and Ward Street between Telegraph Ave and Shattuck Ave**
From: Councilmember Bartlett
Recommendation: That the Council refers consideration of the paving of Derby St. and Ward St. between Shattuck Ave and Telegraph Ave to the Public Works Commission in order to repair these deteriorating streets that serve as a part of a major commuter corridor which both individual drivers and buses use in their daily commute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Councilmember Robinson added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2.
Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Hahn.
- 45. Funding the Construction of a Pedestrian Signal at Ashby Street and Fulton Street**
From: Councilmember Bartlett
Recommendation: That the Council refers to the November Budget Annual Appropriations Ordinance to fund the construction of a pedestrian crossing signal at the intersection of Ashby and Fulton Street in order to address inadequate traffic control and stopping, reduce traffic accidents, and further safeguard the community.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation revised to refer the item to the Vision Zero process for analysis.

Council Consent Items

- 46. Funding for Pedestrian Crossing Signal at the intersection of Shattuck and Prince**
From: Councilmember Bartlett
Recommendation: That the Council refers to the November Budget Annual Appropriations Ordinance to fund pedestrian crossing signals on all directions of the Shattuck Avenue and Prince Street intersection in order to address inadequate traffic control and ensure the safety of travelers along these streets.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation revised to refer the item to the Vision Zero process for analysis.
- 47. Funding Streetlight Near South East Corner of Otis Street**
From: Councilmember Bartlett
Recommendation: That the Council refers to the City Manager to fund construction of a streetlight on the corner of Otis near Ashby.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation revised to change the item to a budget referral and refer an assessment of feasibility to the City Manager.
- 48. Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street**
From: Councilmembers Bartlett and Harrison
Recommendation: Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
- 49. Resolution in Support of Congresswoman Barbara Lee's Resolution (H. Res. 429): Affirming the Right of All Renters to a Safe, Affordable, and Decent Home**
From: Councilmembers Harrison, Bartlett, Hahn, and Robinson
Recommendation: Adopt a resolution in support of H. Res. 429, a resolution introduced by Congresswoman Barbara Lee. Send a letter of support to Congresswoman Lee.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,097–N.S.

Council Consent Items

50. Resolution Endorsing the United Nations Convention on the Rights of the Child

From: Councilmembers Harrison and Bartlett

Recommendation:

1. Adopt a resolution endorsing the United Nations Convention on the Rights of the Child.
2. Send a letter of support to Acting U.S. Ambassador to the United Nations, Jonathan Cohen.

Financial Implications: None

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

Action: Councilmembers Davila and Hahn added as co-sponsors. 1. Adopted Resolution No. 69,098–N.S. 2. Approved recommendation as revised in Supplemental Communications Packet #1.

51. Co-Sponsorship of 2019 East Bay Community Emergency Prep Fair and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Hahn

Recommendation: Adopt a resolution approving the co-sponsorship by the City of Berkeley of the 2019 East Bay Community Emergency Prep Fair (“Emergency Prep Fair”) to be held at James Kenney Park on Saturday, October 12, 2019, and approving the expenditure of an amount not to exceed \$500 per councilmember, including \$300 from Councilmember Hahn, to the Berkeley Disaster Preparedness Neighborhood Network (BDPNN), a 501(c)(3) non-profit organization, for administrative fees, event production, and advertising in support of the Emergency Prep Fair, 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: None

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

Action: Councilmembers Davila, Kesarwani, and Wengraf added as co-sponsors. Adopted Resolution No. 69,099–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$300; Councilmember Harrison - \$100; Councilmember Kesarwani - \$100; Councilmember Bartlett - \$100.

Council Consent Items

52. Letter of Support for HR-3001 (Meng)

From: Councilmember Wengraf

Recommendation: Send a letter of support for HR-3001, “The Quiet Communities Act of 2019,” to Representative Grace Meng, with copies to Representative Barbara Lee, and Senators Dianne Feinstein and Kamala Harris.

HR-3001 will reinstate the Federal Office of Noise Abatement and Control, tasked with developing State and Local noise control programs and carrying out research on airport, airplane and vehicular noise.

Financial Implications: None

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

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

53. Voluntary Time Off on Statewide Election Days for City Employees *(Reviewed by the Budget and Finance Committee)*

From: Councilmembers Robinson, Davila, Hahn, and Droste

Recommendation: Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation.

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

54. Decriminalizing Entheogenic Plants *(Reviewed by the Public Safety Committee)*

From: Councilmembers Robinson and Davila

Recommendation: Refer to the Community Health Commission for feedback regarding the adoption of a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Approved recommendation as revised below.

Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible “special circumstances considerations.”

Council Consent Items

55. Game Day Parking - Minor Update to include RPP area K

From: Councilmember Droste and Mayor Arreguin

Recommendation: Refer to the City Manager the modification of 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 to include RPP Zone K; and install new RPP signs in zone K to clearly indicate UC Berkeley home football game day parking prohibitions.

Financial Implications: Staff time and signage

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: Approved recommendation.

Recess 9:10 p.m. – 9:17 p.m.

Action Calendar – Public Hearings

56. Public Hearing and Approval of California Municipal Finance Authority Bond Financing for Berkeley Way Affordable Housing

From: City Manager

Recommendation:

1. Conduct the public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended; and

2. Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of BRIDGE Berkeley Way LP, a California limited partnership (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following).

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Hahn/Harrison) to adopt Resolution No. 69,100–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

57. Public Hearing and Approval of California Municipal Finance Authority Bond Financing for Berkeley Way HOPE Center

From: City Manager

Recommendation:

1. Conduct the public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended.
2. Adopt a Resolution approving the issuance of bonds by the California Municipal Finance Authority for the benefit of BFHP Hope Center LP, a California limited partnership (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following).

Financial Implications: See report

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

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

M/S/C (Kesarwani/Hahn) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 69,101–N.S.

Vote: All Ayes.

58. Implement Residential Preferential Parking (RPP) Program on Sections of McGee Street and Rose Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25E and 25N by adding subsections to implement Residential Preferential Parking (RPP) on portions of two city streets.

Financial Implications: See report

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

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

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

Vote: All Ayes.

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 69,102–N.S.

Vote: All Ayes.

Action Calendar – Old Business

59. Residential Preferential Parking (RPP) Program: Summer 2019 Update

(Continued from July 23, 2019)

From: City Manager

Recommendation: Direct staff to conduct analysis of Fiscal Year (FY) 2020 Residential Preferential Parking (RPP) Program costs and revenues and return to Council early 2020 with updated fee increase proposal(s) to be effective April 1, 2020 for the FY 2021 permit year for Program enhancement and expansion.

Financial Implications: See report

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

Action: 0 speakers. Presentation made and discussion held.

Action Calendar – New Business

60. Funding for Street Rehabilitation Capital Improvement Program in Berkeley

From: City Manager

Recommendation: In response to Council comments at the December 11, 2018 Council Meeting, this report provides information on current and future funding sources for street rehabilitation. Staff is requesting feedback on the funding available, including current expenditures, projected expenses, and plans, for the City's current and future Street Rehabilitation Capital Improvement Program (CIP).

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

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

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.

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

Councilmember Droste absent 11:10 p.m. – 11:40 p.m.

Action: 4 speakers. Discussion held.

Council Action Items

61a. **Health Study to be Conducted by Division of Public Health to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's Homeless**

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council direct that the City Division of Public Health conduct a study gathering data on health conditions, health disparities and mortality rates of Berkeley's homeless for the last five years.

Such recommendation includes compiling information on Berkeley's homeless including persons living in shelters, in vehicles, on the streets, and any other location not intended for human habitation and who move between these settings. Such study shall include data on specific health conditions and make a comparative analysis between the homeless and Berkeley's general population and shall include demographics such as race, age, gender and known disability. Such study shall include how long the homeless person has lived on the streets and/or in shelters and attempt to track back the nature of their various residences for five years as is feasible.

Data for mortality rates among Berkeley's homeless shall also be gathered for the last five years. The mortality rates shall be examined for persons living in shelters, in vehicles, on the streets and any other location not intended for human habitation. The cause of death shall be identified and demographics such as race, age, gender and known disability compiled. Tracking the housing status of the persons, for the last five years, shall be identified as is feasible. If feasible, the length of residence in Berkeley shall be identified.

A comparative analysis with the general population shall be made. To the extent feasible and within legal constraints, whether or not the deceased individual was under the care of a medical provider shall be identified. All personal information should be redacted so as to comply with federal, state and local laws.

Recommendations shall be made to improve the health conditions of the homeless and decrease the mortality rates of homeless persons. Recommendations, within the City Division of Public Health's purview shall be made initially by them and return to Council where further recommendations can be made. Council shall provide the opportunity for the Homeless Commission, any other relevant commission, and the public to weigh in on recommendations following the release of the data/study.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Council Action Items

61b. Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless

From: City Manager

Recommendation: The Homeless Commission's recommendation to conduct a study on the health conditions, disparities, and mortality rates of Berkeley's homeless population addresses important issues within the City. Staff greatly appreciate the Commission's continued advocacy for the unhoused and their suggestions to gather as much relevant information as possible. Therefore, staff recommend asking Alameda County to explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

Financial Implications: None

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

Action: M/S/C (Arreguin/Wengraf) to hold over items 61a/b, 63a/b, and 66 to September 24, 2019.

Vote: All Ayes.

62a. Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council direct or refer to the City Manager, as Council sees fit, to conduct an analysis of the current inclusionary housing/affordable housing mitigation fee structure and return to Council with the benefits/detriments of the following options:

1. Requiring inclusionary housing over the affordable housing mitigation fee;
2. Requiring an increased number of inclusionary units when the inclusionary option is utilized;
3. Providing incentives to developers to elect the inclusionary unit option over the affordable housing mitigation fee option;
4. Identifying designated geographical boundaries or Council districts which would require only inclusionary housing in new developments and not permit the affordable housing mitigation fee in those geographical boundaries or Council districts; and
5. As to all options, strengthening the ordinance for inclusionary units so as to mitigate homelessness by insuring access to units for extremely low-income persons and persons experiencing homelessness.

The Homeless Commission recommends that an analysis include updated data on the number of developments initiated in the last three years showing the number of inclusionary units added and the amount of affordable housing mitigation fees paid and to the extent feasible, a ten year projection of the numbers of planned developments and an analysis of the potential number of inclusionary units or amount of affordable housing mitigation fees anticipated. An analysis of various options should also consider a sunset clause so that amendments to current law would require revisiting the impact of any changes.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Council Action Items

62b. Companion Report: Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee

From: City Manager

Recommendation: Refer to the City Manager to conduct a feasibility analysis for the recommendations by the Homeless Commission as part of the existing referral to examine potential reforms to the Affordable Housing Mitigation Fee.

Financial Implications: See report

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

Action: Item 62b moved to the Consent Calendar.

63a. Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers

From: Homeless Commission

Recommendation: The Homeless Commission recommends that the currently unused City-owned property at 1281 University Avenue be used to house, on an interim basis, up to 8-10 RV dwellers, or as many as the property can safely accommodate, selected by the City of Berkeley. The RV dwellers would be selected by the City of Berkeley based on the strength of their ties to the community such as employment in Berkeley, attending school in Berkeley and families with children in Berkeley schools.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

63b. Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers

From: City Manager

Recommendation: Refer to the City Manager to conduct a feasibility analysis of 1281 University Avenue as an interim site to host Recreational Vehicle (RV) dwellers.

Financial Implications: See report

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

Action: Held over to September 24, 2019.

Council Action Items

64a. Expansion of Adeline Corridor Plan to Include Housing in Private Component for Extremely low-Income Persons

From: Homeless Commission

Recommendation: The Homeless Commission recommends that the City Council identify a means to expand housing within the private housing component of inclusionary housing to include a set-aside for extremely low-income persons. The Commission recommends that be done either through retaining a consultant to conduct a nexus study to include extremely low-income housing in inclusionary housing, as to the Adeline Corridor, or by staff internally conducting that study so that inclusionary housing, within the Adeline Corridor, can be expanded to include a set-aside for extremely low-income persons.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

64b. Companion Report: Expansion of Adeline Corridor Plan to Include Housing in Private Component for Extremely low-Income Persons

From: City Manager

Recommendation: If Council believes it is needed, refer to the FY20 November budget process the Homeless Commission's recommendation to hire a consultant for a nexus study to include extremely low-income housing in the Adeline Corridor Plan's inclusionary housing requirements. A cost estimate will be provided at the time of referral.

Financial Implications: None

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

Action: Item 64b moved to Consent Calendar with the recommendation revised as written below.

Refer the Homeless Commission's recommendations to the Adeline Corridor Plan's inclusionary housing requirements.

Council Action Items

- 65. Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: Councilmembers Bartlett, Robinson, and Mayor Arreguin

Recommendation: That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley First-Responders and other critical safety staff and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley (Qualified Positive Recommendation from the Land Use, Housing & Economic Development Committee).

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Moved to Consent Calendar with a revised recommendation as follows:

That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley employees and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101.

Action Calendar – New Business

- 66. Referral Response: Lava Mae Mobile Shower and Hygiene Services**

From: City Manager

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

Action: Held over to September 24, 2019.

Action Calendar – Old Business

- 67. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**

(Continued from July 23, 2019)

From: Mayor Arreguin and Councilmember Harrison

Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.

First Reading Vote: All Ayes.

Financial Implications: Staff time

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

Action: Item held over to September 24, 2019.

Information Reports

- 68. Recommendations Status: Easy Does It City Grant Funding Audit**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Received and filed. (Supplemental material in Supplemental Communications Packet #2)
- 69. LPC NOD: 2526 Hawthorne Terrace/#LMIN2019-0002**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 70. LPC NOD: 1911 Fourth Street/#LMSAP2019-0005**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 71. Commission on Labor 2020-2021 Work Plan**
From: Commission on Labor
Contact: Delfina Geiken, Commission Secretary, (510) 981-5400
Action: Received and filed.
- 72. LPC Annual Report to City Council for the period May 2018 to May 2019**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.
- 73. Parks and Waterfront Commission 2019 Work Plan**
From: Parks and Waterfront Commission
Contact: Roger Miller, Commission Secretary, (510) 981-6700
Action: Received and filed.
- 74. Police Review Commission Work Plan for 2019-2020**
From: Police Review Commission
Contact: Katherine Lee, Commission Secretary, (510) 981-4950
Action: Received and filed.
- 75. Update on Assembly Bill 101 and Local Government Planning Support Grants**
From: Mayor Arreguin
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Received and filed.

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

Adjournment

Adjourned at 11:40 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of September 10, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Vivian Warkentin URL's

1. Vivian Warkentin (3)

Item #54: Decriminalizing Entheogenic Plants

2. Lydia La Roux

Item #64b: Companion Report: Expansion of Adeline Corridor Plan to Include Housing in Private Component of Extremely low-income persons

3. Steering Committee for South Berkeley NOW
4. Friends of Adeline
5. Teresa Clarke
6. Larisa Cummings
7. Julia Cato

Traffic Circle

8. Emily Modde

Crime is the #1 Issue

9. Wende Micco

5G

10. Phoebe Anne Sorgen
11. Jill Jones

Natural Gas

12. John Jones
13. League of Women Voters
14. Joel Goodman
15. H. Wayne Snavelly
16. James Haley

Gun Control

17. Tom Lent
18. David Danello

Spit Masks

19. Maris Arnold
20. Christine Schwartz

Communications

BART

- 21. Sara Fain
- 22. Talia Falk

Compostable Packaging

- 23. Pureco Products
- 24. Todd Gasparik
- 25. Brian Dow (2)

Gender Neutral

- 26. George Losoncy
- 27. Randy Hoff
- 28. Arejayel@ (3)
- 29. Richard Ward
- 30. Carlisle Johnson
- 31. Mathewskillingsagain77@

Homelessness

- 32. Margot Smith
- 33. Jessica Behrman
- 34. Mike Lee
- 35. Jennifer Hamilton
- 36. Genevieve Wilson
- 37. Bryce Nesbitt

Climate Change

- 38. David Lerman
- 39. Berkeley Citizens Action
- 40. Thomas Lord

Christine Schwartz

- 41. Liz Wiener
- 42. Marcia Poole
- 43. Christine Schwartz

RV's

- 44. Charles Bullett
- 45. Alyson Mitchell
- 46. Erwan Illian (2)
- 47. Alfred Manning
- 48. Barbara Rydlander
- 49. John Palmer
- 50. Tricia Paulson
- 51. Pam Speich (3)
- 52. Genevieve Wilson
- 53. Daniel Jurnove

Communications

- 54. Dan McDunn (3)
- 55. Councilmember Kesarwani
- 56. David Lerman
- 57. Barbara

Pool

- 58. Rebecca Burke
- 59. Parks, Recreation and Waterfront Department
- 60. Linda Worthman (2)
- 61. Lynn Jones-Finn
- 62. Lorraine Gunther
- 63. Diane Tomkins
- 64. Barbara Rylander

Berkeley Considers Issues

- 65. Barbara Gilbert (3)
- 66. Tony Benado
- 67. Matthai Chakko

Worst City of Berkeley

- 68. Margot Smith
- 69. Barbara Gilbert
- 70. Jessica Behrman

Trash Truck Fire and Creek Damage

- 71. Nicholas Dominguez, on behalf of the Public Works Commission
- 72. Susan Schwartz, on behalf of Friends of Five Creeks

Use of Surveillance Technology - Security Cameras

- 73. Brian Hofer, on behalf of Secure Justice (2)

Bicycle and Pedestrian Accidents

- 74. Michael and Denise Harland

Street Rehab and Plan Include Bicycles

- 75. Ben Gerhardstein

“13 Reasons” Movie Shoot

- 76. Adrian Kierman

Dangerous Conditions – Street Lights

- 77. David Lerman

Evaluation of the City Manager

- 78. Linda Franklin

Communications

Rent Increase for Commercial Buildings

79. Lucinda Olney

Scooters Safety Risk

80. Moni Law

East Bay Seniors

81. Joann Sullivan

Street Sweeping Reminder

82. David Lerman

83. Melanie McLean, on behalf of the City Manager's Office

Lawrence Berkeley National Laboratory

84. bcitizen@

Gabriela Costello-Kramer Complaint

85. Margaret Fine (2)

86. Gabriela Kramer

Dumb Cities

87. Margy Wilkinson

Opportunity Zones

88. Barbara Gilbert

Hilldale Avenue and Bonnie Lane Infrastructure

89. Max Blanchet

90. I-Kuna Lin

Sherriff Audit

91. Richard Vale, President, Board of Supervisors

Weeds/Trash at the Public Safety Building

92. Kathi Pugh

Hotel Construction at University and Sacramento

93. Jesse Goldberg

Amazon and ICE

94. Mimi Main

Outdoor Public Warning Siren System

95. Gradiva Couzin, on behalf of the Disaster and Fire Safety Commission

Homeless Tombstones

Communications

96. Barbara Brust

Library Complaint

97. Barbara Gilbert

98. Councilmember Hahn

Wild Urban Interface

99. Bob Flasher

Kids On The Line

100. Chimney5@

IKE Kiosks

101. Stuart Baker, on behalf of the Telegraph Business Improvement District

Berkeley Big People

102. Karen Eichler

103. Richard Whitlock

104. Catherine Bathrick

105. Liz Hoadley

106. Scott Donahue

107. Marsha Gale

Berkeley Property Taxes

108. Jessica Behrman

Public Safety Issue at University and Shattuck

109. Gary Simons

Berkeley Parking Tickets

110. David Lerman

Habitat for Humanity

111. Lori Pottinger

1444 Fifth Street Project

112. Law Offices of Holland & Knight

Cashless Businesses in Berkeley

113. Cassia Stepak

Supplemental Communications and Reports 1

Item #38: Resolution: Oppose U.S. Withdrawal from INF Treaty

114. Revised material, submitted by Councilmember Harrison

Item #41: Approval of One-Time Reimbursement for Sister City Visit to Gongju, Republic of Korea

115. Barbara Gilbert

Item #42: Berkeley Community Fund Annual Gala and Benefit Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

116. Revised material, submitted by Councilmember Davila

Item #43: Berkeley Youth Alternatives 1st Golf Tournament Supporting Education and Sports Activities: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

117. Revised material, submitted by Councilmember Davila

Item #44: Pavement of Derby Street and Ward Street between Telegraph Avenue and Shattuck Avenue

118. Supplemental material, submitted by Councilmember Bartlett

Item #50: Resolution Endorsing the United Nations Convention on the Rights of the Child

119. Supplemental material, submitted by Councilmember Harrison

Item #65: Open Doors Initiative: City Worker and First Time Affordable Homebuyer

120. Thomas Lord, on behalf of the Housing Advisory Commission

Supplemental Communications and Reports 2

Item #2: Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

121. Maria Teresa Garcid de la Noceda

Item #33: Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan

122. Shirley Dean

Item #35: 1281 University Avenue Request for Proposals

123. Shirley Dean

Item #44: Pavement of Derby Street and Ward Street between Telegraph Avenue and Shattuck Avenue

124. Supplemental material, submitted by Councilmember Bartlett

Item #48: Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street

125. Charles Siegel

126. Holly Scheider

Item #55: Game Day Parking - Minor Update to include RPP area K

127. Janice Thomas

Item #56: Public Hearing and Approval of California Municipal Finance Authority Bond Financing for Berkeley Way Affordable Housing

128. David Denton

Item #59: Residential Preferential Parking (RPP) Program: Summer 2019 Update

129. David Lerman

Item #68: Recommendations Status: Easy Does It City Grant Funding Audit

130. Supplemental materials, submitted by the City Auditor

Item #65: Open Doors Initiative: City Worker and First Time Affordable Homebuyer

131. 49 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #38: Resolution: Oppose U.S. Withdrawal from INF Treaty

132. Peace and Justice Commission

Item #41: Approval of One-Time Reimbursement for Sister City Visit to Gongju, Republic of Korea

133. Revised material, submitted by Mayor Arreguin

134. Ben Gould

Item #58: Implement Residential Preferential Parking (RPP) Program on Sections of McGee Street and Rose Street

135. Beth Goldstein

136. Bryce Nesbitt

137. Toby Salk

Item #60: Funding for Street Rehabilitation Capital Improvement Program in Berkeley

138. Presentation, submitted by Public Works

139. City Auditor

Item #65: Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program

140. Chimey Lee

City Manager Comments

141. City Manager

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, SEPTEMBER 17, 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: 4:40 p.m.

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

Absent: Bartlett, Harrison, Arreguin

Mayor Arreguin present at 4:54 p.m.

Councilmember Bartlett present at 5:02 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)(2):

Anticipated Litigation: One case

Action: M/S/C (Wengraf/Hahn) to direct the City Manager to approve a settlement agreement as to a workers' compensation excess insurance contract dispute with Continental Casualty Insurance Company (CNA) whereby the City would accept \$650,000.00 in resolution of workers' compensation excess insurance reimbursement claims.

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

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

| | |
|----------------------|--|
| Property address: | 742 Grayson Street |
| Agency Negotiators: | Dee Williams-Ridley, City Manager |
| Negotiating parties: | City of Berkeley and 742 GRAYSON OWNER LLC |
| Property owner: | City of Berkeley |
| Under negotiation: | Price and terms |

Action: No reportable action.

OPEN SESSION:

City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to approve a settlement agreement as to a workers' compensation excess insurance contract dispute with Continental Casualty Insurance Company (CNA) whereby the City would accept \$650,000.00 in resolution of workers' compensation excess insurance reimbursement claims.

Adjournment

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

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

Adjourned at 5:36 p.m.

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

Mark Numainville, City Clerk

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

Tuesday, September 17, 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: 6:08 p.m.

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

Absent: Kesarwani, Bartlett, Harrison

Councilmember Kesarwani present at 6:16 p.m.

Councilmember Bartlett present at 6:42 p.m.

Report from Closed Session:

City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to approve a settlement agreement as to a workers' compensation excess insurance contract dispute with Continental Casualty Insurance Company (CNA) whereby the City would accept \$650,000.00 in resolution of workers' compensation excess insurance reimbursement claims.

Worksession

1. **City of Berkeley Arts and Culture Plan, 2018 Update**
From: City Manager
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: 2 speakers. Presentation made and discussion held.
2. **Zero Waste Rate Review**
From: City Manager
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: 1 speaker. Presentation made and discussion held.

Adjournment

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

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

Councilmember Droste absent 8:47 p.m. – 9:22 p.m.

Adjourned at 9:22 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of September 17, 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 of Berkeley Arts and Culture Plane, 2018 Update

1. Presentation, submitted by the Office of Economic Development

Item #2: Zero Waste Rate Review

2. Presentation, submitted by Public Works

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, SEPTEMBER 24, 2019

5:30 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: 5:48 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf

Absent: Robinson, Droste, Arreguin

Councilmember Droste present at 5:52 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 – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

Claim by David Dhaliwal, Austine Warren, and Gary Fong No. 0109BC2019-0001

Action: M/S/C (Hahn\Harrison) On Claim No. 0109BC2019-000 by Dhaliwal, Warren, and Fong, Council authorized the City Manager to accept a drainage easement on private property in exchange for rebuilding a drainpipe with existing Engineering Division funds on the property that runs from the City's roadway to a creek.

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

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

Taehee Park v. City of Berkeley, Alameda County Superior Court No. RG 17 852489

Action: M/S/C (Bartlett\Hahn) to authorize the City Attorney to settle Park v. City of Berkeley (RG 17 852489) for \$110,000.

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

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Park v. City of Berkeley (RG 17 852489) for \$110,000.

On Claim No. 0109BC2019-000 by Dhaliwal, Warren, and Fong, Council authorized the City Manager to accept a drainage easement on private property in exchange for rebuilding a drainpipe with existing Engineering Division funds on the property that runs from the City's roadway to a creek.

Adjournment

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

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

Adjourned at 6:02 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of September 24, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 24, 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: 6:09 p.m.

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

Absent: Robinson, Arreguin

Closed Session Report

The City Council met in closed session and authorized the City Attorney to settle Park v. City of Berkeley (RG 17 852489) for \$110,000.

On Claim No. 0109BC2019-000 by Dhaliwal, Warren, and Fong, Council authorized the City Manager to accept a drainage easement on private property in exchange for rebuilding a drainpipe with existing Engineering Division funds on the property that runs from the City's roadway to a creek.

Ceremonial Matters:

1. Recognition of 50th Anniversary of Berkeley Free Clinic
2. Recognition of Sandy Bails
3. Recognition of Emmaline Campbell
4. Recognition of Indigenous People's Day
5. Adjourn in Memory of Sally Floyd, Berkeley Resident

City Manager Comments:

1. The Mental Health Crisis Line is available to the public at 981-5244
2. Testing and monitoring of the water quality at Aquatic Park will continue
3. The new Lorin District Art Banners were unveiled today, September 24
4. The year-round hours at West Campus Pool start on October 1
5. The Berkeley Police Dept. recruitment site, www.joinberkeleypd.com is now live

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Harrison/Droste) to make the findings that the item related to the Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck) is of urgent necessity and that the subject came to the attention of the agency after the agenda was published, and to add the item to the agenda.

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

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

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

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

Consent Calendar

Urgency Item: Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to purchase four Pierce Quantum Pumpers and one Pierce Quantum 107' Tiller by executing: 1. Purchase Agreement with Pierce Manufacturing, Inc. in an amount not to exceed \$5,582,101 that includes a contingency amount of \$638,479 providing for California sales tax of \$457,281, and a pre-pay discount of \$181,198; and 2. Increase the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. by \$4,943,624 (prior to sales tax, equipment only) yielding an amended total NTE amount of \$17,200,459 on Contract No. 078804-1 (8068) with financing pursuant to the amendment to be paid over 7 years at an interest rate of 1.75% and a first payment commencing no later than March 30, 2020; and 3. Purchase Order for direct payment of sales tax in an amount not to exceed \$457,281.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,103–N.S.

Consent Calendar

- 1. Agreement with East Bay Regional Park District for Drainage, Slope, and Maintenance Access Easements in Tilden Regional Park**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,675-N.S. authorizing the City Manager to execute an agreement with the East Bay Regional Park District (EBRPD) for Drainage, Slope and Maintenance Access Easements at Tilden Regional Park.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,675-N.S.
- 2. Contract No. 9900 Amendment: NetFile for Online Campaign Report, Form 700, and Lobbyist Registration Filing and Tracking**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Westcoast Online Information Systems, Inc. dba NetFile, to increase the not-to-exceed amount by \$19,200 for a total not-to-exceed amount of \$133,200, to pay for regular annual maintenance costs for online campaign report and Form 700 filing and tracking, to add to the capacity of online filers by 350 to allow for the addition of commissioner Form 700 e-filing, and to add the services related to the new lobbyist registration filing system through May 31, 2023.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,104–N.S.
- 3. Contract: NV5 for Web Content Copywriting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with NV5 to develop content for the City's website. The contract would be for a one year period, starting September 25, 2019, for a total contract amount not to exceed \$150,000.
Financial Implications: General Funds - \$150,000
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,105–N.S.
- 4. IKE Smart City Kiosk Locations, Phase One**
From: City Manager
Recommendation: Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Moved to Action Calendar. Item held over to October 15, 2019.

Consent Calendar

- 5. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**
From: City Manager
Recommendation: Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Moved to Action Calendar. Item held over to October 15, 2019.
- 6. Revisions to the Berkeley Revolving Loan Fund Administrative Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the revised Administrative Plan for the Berkeley Revolving Loan Fund (RLF).
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,106–N.S.
- 7. Contract No. 31900273 Amendment: Bay Area Community Services (BACS) to Add Funds for Housing Problem-Solving**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to execute a contract amendment to add \$300,000 to the existing four year (FY20-23) contract with Bay Area Community Services (BACS) for Coordinated Entry System operations, for a revised total contract amount not to exceed \$6,880,149. These funds will be used as flexible funding for people experiencing homelessness and presenting at the North County Housing Resource Center.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,107–N.S.
- 8. Operating Funding for Community Housing Development Organizations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving operating funding in the amount of \$28,115 each for FY 2020 for Community Housing Development Organizations (CHDOs) Resources for Community Development and Satellite Affordable Housing Associates; and 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,108–N.S.

Consent Calendar

- 9. Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**
(Continued from June 11, 2019)
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Received and filed.
- 10. Settlement Authority of City Manager for Workers' Compensation Claims**
From: City Manager
Recommendation: Adopt a Resolution to establish and grant authority to the City Manager to settle workers' compensation claims up to \$75,000 per employee claim.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Moved to Action Calendar. Item held over to October 15, 2019.
- 11. Adopt a Resolution Authorizing the City Manager to Provide a Three Percent (3%) Special Class Commercial License Premium to the Solid Waste Supervisor Job Classification**
From: City Manager
Recommendation: Adopt a Resolution to: (1) Provide Public Employees Union, Local One's (Local One) a three percent (3%) Special Class Commercial License Premium to the Solid Waste Supervisor Job Class; and, (2) provide the incumbents in the Solid Waste Supervisor classification a three percent differential pay (Add Pay) to maintain internal pay equity.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources Director, (510) 981-6800
Action: Adopted Resolution No. 69,109–N.S.
- 12. Contract: Ghilotti Construction Company for John Hinkel Park Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for John Hinkel Park Improvement Project, Specification No. 19-11321-C; and 2. 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 Ghilotti Construction Company, for the John Hinkel Park Improvement Project at 41 Somerset Avenue, Berkeley, CA 94704, in an amount not to exceed \$790,306, which includes a contract amount of \$658,588 and a 20% contingency in the amount of \$131,718.
Financial Implications: Measure WW Parks Bond Fund (Fund 345) and Parks Tax Fund (Fund 138) - \$790,306
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,110–N.S.

Consent Calendar

- 13. Contract: The Dutra Group for the South Cove ADA Accessible Gangway Project at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the South Cove ADA Accessible Gangway Project, (Bid Specification No. 19-11340); and 2. Accepting the bid of The Dutra Group as the lowest responsive and responsible bidder on the Project, and authoring the City Manager to execute a contract with The Dutra Group, and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$261,100, and authorizing a 15% contingency of \$39,165.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,111–N.S.
- 14. Contract: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Live Oak Community Center Seismic Upgrade project, Specification No. 19-11320-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Mar Con Builders, 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 Mar Con Builders, Inc., for the Live Oak Community Center Seismic Upgrade project at 1301 Shattuck Avenue, Berkeley, CA 94704, in an amount not to exceed \$6,271,635, which includes a contract amount consisting of base bids and three alternates of \$5,226,363 and a 20% contingency in the amount of \$1,045,272.
Financial Implications: \$6,271,635
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,112–N.S. as amended in Supplemental Reports and Communications Packet #1 to revise the dollar amounts as follows: Total construction cost is in an amount not to exceed \$5,415,927, which includes a contract amount of \$4,923,570 and a 10% contingency amount of \$492,357.

Consent Calendar

- 15. Contract: Don Fowler Construction for Berkeley Tuolumne Camp Repairs, Specification 19-11333**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Berkeley Tuolumne Camp Cabin Repairs Project (Specification No. 19-11333); 2. Accepting the bid of the lowest responsible bidder, Dow Fowler Construction; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Don Fowler Construction until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$228,735, which includes a 15% contingency for unforeseen circumstances.
Financial Implications: \$228,735
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,113–N.S.
- 16. Grant Application for Technical Assistance to Develop a Proposal for Challenge Grant for Housing Protection and Preservation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$7,000 to The San Francisco Foundation, in order to receive technical assistance from SEEDs Collaborative to help develop a competitive Partnership for the Bay’s Future Challenge Grant proposal, and to accept grant funds and execute a resulting grant agreement.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,114–N.S.
- 17. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount no to exceed \$900,000, and extending the term of the contract from June 30, 2021 to June 30, 2022.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,115–N.S.

Consent Calendar

18. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10485 with Fehr & Peers, Inc. for On-Call Transportation Planning Services, increasing the contract by \$225,000, for a total amount not to exceed \$725,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,116–N.S.

Council Consent Items

19. **Support H.R. 2809 – The Improving Access to Nutrition Act of 2019**
From: Mayor Arreguin and Councilmembers Robinson and Bartlett
Recommendation: Adopt a Resolution in support of H.R. 2809 – The Improving Access to Nutrition Act of 2019. Send a copy of the Resolution to Congressperson Barbara Lee, Senators Dianne Feinstein and Kamala Harris, and President Donald Trump.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,117–N.S.
20. **United Against Hate Week 2019**
From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Bartlett
Recommendation: Adopt a Resolution approving the D-13 expenditure of \$1,000 in an amount not to exceed \$250 per Councilmember, to Not in Our Town for United Against Hate Week scheduled for November 17-23, 2019.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,118–N.S. amended to add contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$100; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Wengraf - \$100.
21. **Clean Air Day 2019**
From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Bartlett
Recommendation: Adopt a Resolution declaring October 2nd, 2019 as Clean Air Day.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,119–N.S.

Council Consent Items

- 22. Letter in Support of AB 342, Prohibiting the Use of Public Lands for Oil and Gas Production**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: Send a Letter to Governor Gavin Newsom In Support of AB 342 by State Assemblymember Al Muratsuchi, prohibiting the State of California from authorizing new construction of oil and gas infrastructure upon public lands and direct the city clerk or designee to send a letter to our state representatives.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 23. Letter in Support of SB 210, Implementing a Comprehensive Heavy Duty Vehicle Inspection and Maintenance Program**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: Send a Letter to Governor Gavin Newsom In Support of SB 210 by Senator Connie Leyva, authorizing the California Air Resources Board (CARB) to develop and implement a comprehensive heavy duty vehicle inspection and maintenance program, similar to Smog Check requirements for other vehicles, and direct the city clerk or designee to send a letter to our state representatives.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 24. Pollinators and Habitat**
From: Councilmembers Harrison, Wengraf and Bartlett
Recommendation: Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:
1. Refer to City Manager to establish a City Liaison to the Bee City USA program.
2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019.
3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

Council Consent Items

25. Naming Berkeley Paths for Women Founders of the Berkeley Path Wanderers Association

From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Wengraf and Davila

Recommendation: Pursuant to Berkeley's Policy for Naming and Renaming Public Facilities, refer to the City Manager and Public Works Commission to consider and return to the City Council a recommendation regarding the naming and renaming of four Berkeley Paths, as identified on the map at Attachment 1, in honor of the four women founders of the Berkeley Path Wanderers:

(a) Rename a path off of Keith Avenue near Shasta Road, currently named Eleanor Path, to "Eleanor Hall Gibson Path," after founder Eleanor Hall Gibson, who passed away in 2016;

(b) Name the following paths, subject to a 2/3 vote of the City Council as provided at Section 2(B) of the Policy, as follows: (i) The extension connector of Walnut Street through the UC complex between Hearst and Berkeley Way to be named "Ruth Armstrong Path" in honor of Ruth Armstrong (Moskovitz); (ii) The path parallel to the top of Solano Avenue running along Los Angeles Avenue up the tunnel slope towards the Marin Circle, to be named "Jacque Ensign Way" in honor of Jacque Ensign; and (iii) The path [TBD] to be named "Pat DeVito Path" in honor of Pat DeVito.

Financial Implications: See report

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

Action: Approved recommendation.

26. Support for League of California Cities Resolution to CPUC

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

Recommendation: Adopt a Resolution in support of the League of California Cities' Resolution to the California Public Utilities Commission (CPUC) requesting that the CPUC amend Rule 20A to allow for the addition of projects in Very High Fire Hazard Severity Zones to the list of eligibility criteria and to increase funding allocations for Rule 20A projects.

Financial Implications: None

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

Action: Adopted Resolution No. 69,120–N.S.

27. Support for ACA - 8: Elections: Voter Qualifications

From: Councilmember Robinson and Mayor Arreguin

Recommendation: Adopt a resolution supporting ACA - 8, which would lower California's voting age to 17.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Adopted Resolution No. 69,121–N.S.

Council Consent Items

- 28. Budget Referral: RFP for a Freestanding Public Restroom Facility**
From: Councilmember Robinson
Recommendation: Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Item 28 held over to October 15, 2019 Consent Calendar.
- 29. Referral: Telegraph Crosswalk Art Installations**
From: Councilmember Robinson
Recommendation: Refer to the Civic Arts Commission to develop and return to Council with a plan to:
1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.
2. Build the winning design on the intersections.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.
- 30. Russell St. Halloween Celebration: Relinquishment of Council Funds and Sponsorship**
From: Councilmember Droste
Recommendation: Adopt a Resolution approving the expenditure of an amount up to \$870 for the 2019 Russell St. Halloween Celebration with funds relinquished for this purpose from the discretionary Council Office Budget of Councilmember Droste and any other Councilmembers who would like to contribute. The Claremont Elmwood Neighborhood Association is the fiscal sponsor of the event.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 69,122–N.S. amended to add contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Hahn - \$100; Councilmember Wengraf - \$100.

Action Calendar – Public Hearings

31. ZAB Appeal: 2325 Sixth Street, Use Permit #ZP2017-0146

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2017-0146 to alter a 6,000 sq. ft. parcel at 2325 Sixth Street by 1) raising the existing one-story, 1,348 sq. ft. single-family residence with an average height of 12 feet - 7 inches, to create a new, 3,330 sq. ft. two-story duplex, with an average height of 22 feet, 2) increasing the total number of bedrooms on the parcel from three to seven, and 4) constructing a two-story, 472 sq. ft. accessory building with an average height of 19 feet - 3 inches, located 1 foot - 6 inches from the rear and side yard property line to the south, that would consist of a two-car garage on the ground floor and a workshop on the second floor.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Public Testimony: The Vice-Mayor opened the public hearing. 14 speakers. M/S/C (Davila/Kesarwani) to close the public hearing.

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

Action: M/S/C (Davila/Kesarwani) to adopt Resolution No. 69,123–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2017-0146 to alter a 6,000 sq. ft. parcel at 2325 Sixth Street by 1) raising the existing one-story, 1,348 sq. ft. single-family residence with an average height of 12 feet - 7 inches, to create a new, 3,330 sq. ft. two-story duplex, with an average height of 22 feet, 2) increasing the total number of bedrooms on the parcel from three to seven, and 4) constructing a two-story, 472 sq. ft. accessory building with an average height of 19 feet - 3 inches, with the ground floor located 1 foot - 6 inches from the rear and side yard property line to the south and the second floor's wall set back five feet from the rear property line with no windows allowed on the wall facing the rear neighbor, that would consist of a two-car garage on the ground floor and a workshop on the second floor.

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

Action: M/S/C (Davila/Wengraf) to hold over Item 4, Item 5, and Item 41 to October 15, 2019.

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

Recess 9:20 p.m. – 9:37 p.m.

Action Calendar – Old Business

32. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from May 14, 2019)*
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Item 32 held over to October 15, 2019.

Action Calendar – New Business

33. Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

From: City Manager

Recommendation: Adopt a resolution that:

1. Authorizes the City Manager to negotiate a lease with Covenant House, for \$1 per year, for the purposes of becoming a lessee at 3404 King Street and establishing a public facility open to the homeless at that property.
2. Authorizes the City Manager to negotiate a management agreement with Covenant House for said facility; and
3. Authorizes the City Manager to amend Contract No. 31900239 with Covenant House to include the operation of a 12-bed transitional housing program and to increase the not-to-exceed amount of the contract by \$357,020 (the amount currently awarded to Fred Finch Youth Center for the Turning Point transitional housing program) to a new total of \$1,630,572.

Financial Implications: See report

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

Action: M/S/Failed (Wengraf/Kesarwani) to suspend the rules and extend the meeting to 11:20 p.m.

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

Action: M/S/Carried (Wengraf/Kesarwani) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: 32 speakers. M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,124–N.S. amended to remove the authorizations in parts 1 and 2 of the City Manager's recommendation. In addition, the Council directs the City Manager to: 1) reach out to all possible facilities for placement of TAY services throughout the community, that have not already been explored, including churches, synagogues, community centers and other similar facilities, with an emphasis on areas that do not currently host homeless services and facilities; 2) organize four community meetings with Senior Staff including a representative of the City Manager's Office, HHCS, Covenant House and the Police Department to address various community concerns; and 3) to work with Covenant House, the Community and Fred Finch (if relevant) to consider possible program models that could allow the City to enter into a lease, and, if a path forward is found, to bring a proposed program model, security and other neighborhood provisions, and a proposed lease back to Council for consideration as a package.

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

Council Action Items

- 34. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy**
From: Councilmembers Robinson, Droste, Harrison, and Mayor Arreguin
Recommendation: Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:
1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.
 2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
 3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
 4. Require staff to report progress back to Council every two years.
- Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.
- Financial Implications:** Staff time
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Item 34 held over to October 15, 2019.

Action Calendar – Old Business

- 35. Referral Response: Lava Mae Mobile Shower and Hygiene Services** (*Continued from September 10, 2019*)
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item 35 held over to October 15, 2019.

Action Calendar – Old Business

36a. Health Study to be Conducted by Division of Public Health to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's Homeless *(Continued from September 10, 2019)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council direct that the City Division of Public Health conduct a study gathering data on health conditions, health disparities and mortality rates of Berkeley's homeless for the last five years.

Such recommendation includes compiling information on Berkeley's homeless including persons living in shelters, in vehicles, on the streets, and any other location not intended for human habitation and who move between these settings. Such study shall include data on specific health conditions and make a comparative analysis between the homeless and Berkeley's general population and shall include demographics such as race, age, gender and known disability. Such study shall include how long the homeless person has lived on the streets and/or in shelters and attempt to track back the nature of their various residences for five years as is feasible.

Data for mortality rates among Berkeley's homeless shall also be gathered for the last five years. The mortality rates shall be examined for persons living in shelters, in vehicles, on the streets and any other location not intended for human habitation. The cause of death shall be identified and demographics such as race, age, gender and known disability compiled. Tracking the housing status of the persons, for the last five years, shall be identified as is feasible. If feasible, the length of residence in Berkeley shall be identified.

A comparative analysis with the general population shall be made. To the extent feasible and within legal constraints, whether or not the deceased individual was under the care of a medical provider shall be identified. All personal information should be redacted so as to comply with federal, state and local laws.

Recommendations shall be made to improve the health conditions of the homeless and decrease the mortality rates of homeless persons. Recommendations, within the City Division of Public Health's purview shall be made initially by them and return to Council where further recommendations can be made. Council shall provide the opportunity for the Homeless Commission, any other relevant commission, and the public to weigh in on recommendations following the release of the data/study.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action Calendar – Old Business

36b. Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless *(Continued from September 10, 2019)*

From: City Manager

Recommendation: The Homeless Commission's recommendation to conduct a study on the health conditions, disparities, and mortality rates of Berkeley's homeless population addresses important issues within the City. Staff greatly appreciate the Commission's continued advocacy for the unhoused and their suggestions to gather as much relevant information as possible. Therefore, staff recommend asking Alameda County to explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

Financial Implications: None

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

Action: No action taken on Item 36a. Item 36b moved to Consent Calendar as amended below:

Refer to staff to reach out to the UC Berkeley School of Public Health, the Goldman School at UC, and other programs at UC or Berkeley Community College, to determine if there are grad students to study data and health conditions of homeless people in our community.

To refer to staff to continue to improve the health services and access to healthcare for homeless individuals.

Send a letter to Alameda County requesting data on deaths of identified homeless individuals.

Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

37a. Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers *(Continued from September 10, 2019)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that the currently unused City-owned property at 1281 University Avenue be used to house, on an interim basis, up to 8-10 RV dwellers, or as many as the property can safely accommodate, selected by the City of Berkeley. The RV dwellers would be selected by the City of Berkeley based on the strength of their ties to the community such as employment in Berkeley, attending school in Berkeley and families with children in Berkeley schools.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action: Item 37a moved to Consent Calendar for the purpose of taking no action.

Action Calendar – Old Business

- 37b. Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers** *(Continued from September 10, 2019)*
From: City Manager
Recommendation: Refer to the City Manager to conduct a feasibility analysis of 1281 University Avenue as an interim site to host Recreational Vehicle (RV) dwellers.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item 37b held over to November 12, 2019.
- 38. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from September 10, 2019)*
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Droste added as a co-sponsor. Item 38 held over to October 15, 2019.

Information Reports

- 39. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 40. Deaccession of Berkeley Big People**
From: City Manager
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Moved to Action Calendar. Item 40 held over to October 15, 2019.
- 41. Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Moved to Action Calendar. Item held over to October 15, 2019.

Information Reports

42. **2019 Housing Advisory Commission Work Plan**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: Received and filed.
43. **Planning Commission Workplan 2019-2020**
From: Planning Commission
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:15 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of September 24, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #4: IKE Smart City Kiosk Locations, Phase One

1. Andy Kellogg, on behalf of the Lorin Business Association

Item #31: ZAB Appeal: 2325 Sixth Street

2. Jenkins Family, owners of 2325 Sixth Street
3. Mary Beth Thomsen
4. Toni Mester
5. Bacilia Macias Architecture

Item #40: Deaccession of Berkeley Big People

6. Chuck Cornwall
7. Matthew Passmore, Chair of the Public Art Subcommittee

ZAB Appeal: 0 Euclid – Verizon Cell Tower

8. Paul Teicholz
9. Bronwyn Hall
10. Angelina DeAntonis

Youth Spirit Works – Tiny House

11. Sally Hindman, on behalf of Youth Spirit Artworks

Aquatic Park – E Coli

12. Barbara Gilbert

13. Eric Friedman

Public Safety Cameras

14. David Lerman

ADU Laws

15. Paul Rubin

RV's

16. Cymbre Potter

17. Eric Friedman

Opportunity Zone

18. Barbara Gilbert

Berkeley Housing Cooperative Village

19. Tom Minogue Hastings

5G

20. Phoebe Anne Sorgen (2)

21. Stephanie Thomas

22. 19 form letters

City Vehicle Emissions Audit

23. Dave Margulius

Marijuana Use

24. Lynn Silver, on behalf of the public Health Institute

Adeline Plan

25. South Berkeley Now!

Housing for a Diverse, Equitable and Creative Berkeley

26. Abigail Gutmann-Gonzalez and Keith Brower Brown, on behalf of the East Bay Democratic Socialists of America

Berkeley Police Department Bicycle Enforcement Policies

27. Liza Lutzker, Ben Gerhardstein, Ben Paulos and Robert Prinz, on behalf of Walk Bike Berkeley and Bike East Bay

Homelessness

28. Juli Dickey

- 29. Diana Bohn
- 30. Erwan Illian

Facial Recognition

- 31. Diana Bohn
- 32. Carol Denney

Non-Emergency Berkeley Police Department Phone Line

- 33. David Lerman

Smoking in Multi-Unit Housing

- 34. Carlos Rivas

Supplemental Communications and Reports 1

Item #4: IKE Smart City Kiosk Locations, Phase One

- 35. Steve Jaffe, on behalf of IKI Smart City
- 36. Matthew Jervis, on behalf of the Downtown Berkeley Association
- 37. Stuart Baker, on behalf of the Telegraph Business Improvement Association
- 38. Andy Kellogg, on behalf of the Lorin Business Association

Item #6: Revisions to the Berkeley Revolving Loan Fund Administrative Plan

- 39. Sara Stevens on behalf of the Sustainable Economies Law Center

Item #14: Contract: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project

- 40. Revised material, submitted by Parks, Recreation, and Waterfront Department

Item #28: Budget Referral: RFP for a Freestanding Public Restroom Facility

- 41. Stuart Baker, on behalf of the Telegraph Business Improvement Association

Item #29: Referral: Telegraph Crosswalk Art Installations

- 42. Stuart Baker, on behalf of the Telegraph Business Improvement Association

Item #33: Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

- 43. Susan Ayasse Grand

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

- 44. John Rice
- 45. Diane Rice
- 46. Gus Dedo
- 47. Sabina McMurty

Item #35: Referral Response: Lava Mae Mobile Shower and Hygiene Services

- 48. Maris Arnold

Item #40: Deaccession of Berkeley Big People

49. Adina Polen
50. Richard Whitlock
51. Karen Eichler
52. Catherine Bathrick
53. Liz Hoadley
54. Gary Mattern
55. Sue
56. Charlie Ruppert
57. Marsha Gale
58. Chuck Cornwall
59. Martha Wold Cornwall
60. Lois Tucker
61. Barbara Tien
62. Matthew G. Passmore

Supplemental Communications and Reports 2

Item #26: Support for League of California Cities Resolution to CPUC

63. 3 form letters in support of
64. Cynthia Larson
65. Bill Pottinger
66. Scott Wren
67. Alison Lingo
68. Kori Kody
69. Martin Izquierdo
70. Charlotte and Ken Gray
71. Liliana Cardile and Stefano Schivon
72. Phyllis Steiber

Item #31: ZAB Appeal: 2325 Sixth Street

73. Mary Beth Thomsen
74. Joel Mark

Item #33: Resolution for the Allowance of 3403 Kings Street to Operate a Shelter for Homeless Youth

75. Supplemental material, submitted by HHCS
76. Thomas Alexander and Elisabeth Jewel, on behalf of the Fred Finch Youth Center
77. Emily Modde and John Cornwell

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

78. Julie Bussgang

Item #40: Deaccession of Berkeley Big People

79. Marguerite Lee
80. Julia Goodman

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

81. 456 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Urgency Item: Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck)

82. Time Critical Item, submitted by Public Works

Item #26: Support for League of California Cities Resolution to CPUC

83. Patricia Reedy

84. Maria Riddle

85. Jan Novie

86. David Long

87. Christina Crowley

88. Karen Ackerman

89. Tim Campbell

90. Pam Speich

91. Lauren Dundes

Item #28: Budget Referral: RFP for a Freestanding Public Restroom Facility

92. Varsha Sarveshwar, on behalf of the Associated Students University of California

Item #29: Referral: Telegraph Crosswalk Art Installations

93. Varsha Sarveshwar, on behalf of the Associated Students University of California

Item #31: ZAB Appeal: 2325 Sixth Street, Use Permit #ZP2017-0146

94. Presentation, submitted by the Planning Department

95. Presentation, submitted by the Jenkins Family - Applicant

96. Shirley Dean (2)

97. Adria Angelo

98. Toni Mester

Item #33: Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

99. Pedro Alvarez, Jr. and Kevin McNulty

100. Emily Modde

Item #37a: Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers

101. David Lerman

102. Lillian Lerman

Ceremonial Matters #4 (Indigenous People's Day)

103. Moni Law

104. The Berkeley Indigenous People's Day Committee

City Manager Comments

105. Submitted by the City Manager's Office